



Los Alamos Study Group

Nuclear Disarmament • Environmental Protection • Social Justice • Economic Sustainability

By email to LANLSWEIS@nnsa.doe.gov, Theodore.Wyka@nnsa.doe.gov, Kristen.Dors@nnsa.doe.gov

Mr. Ted Wyka, Manager (for reference: 505-667-5105)
Ms. Kristen Dors, NEPA Compliance Officer (for reference: 505-667-5491)
DOE NNSA Los Alamos Field Office
3747 W Jemez Road
Los Alamos, NM 87544

Ref: [Notice of Intent \[NOI\] To Prepare a Site-Wide Environmental Impact Statement \[SWEIS\] for Continued Operation of the Los Alamos National Laboratory \[LANL\]](#)

Re: Initial scoping comments, with more to follow, including our request for you to:

1. **Halt implementation of decisions taken without adequate National Environmental Policy Act (NEPA) analysis (see below);**
2. **Provide documents necessary for us and others to submit informed public comment on the scope of the proposed LANL SWEIS;**
3. **Identify the proposal and proposed action in a way that allows informed comments on impacts, alternatives, and mitigation measures;**
4. **Extend the scoping period until NNSA clears its FOIA backlog regarding this vaguely defined pit production proposal, with adequate time to review these documents;**
5. **Provide in-person scoping hearings in Los Alamos, Santa Fe, and Espanola with adequate time for questions, answers, and testimony; and**
6. **Provide interactive scoping hearings that include:**
 - a. **Detailed exhibits encompassing the full range of possible NNSA actions at LANL;**
 - b. **Direct interaction between the interested public and responsible NNSA officials capable of answering questions about the proposed action and alternatives;**
 - c. **Protocols to ensure all public comments are on the record.**

Dear Mr. Wyka and Ms. Dors --

Since 2018, I and this organization have written NNSA many times about NNSA's lack of NEPA compliance with regard to a) pit production decisions and b) related infrastructure decisions at LANL. Please refer to some of the background in our April 6, 2018 [letter](#) to NNSA Administrator Lisa Gordon Hagerty, particularly paragraphs 15-24, and our February 5, 2019 [memorandum](#) to NNSA Administrator Lisa Gordon Hagerty. Many relevant prior NEPA comments could be added here.

Please incorporate the above letter and memorandum, and all the other comments linked below, in these scoping comments. A pdf version of these comments is attached.

This letter does not include all our scoping comments. More will follow. When those additional comments are sent we will provide a flash drive with these and subsequent comments, and all the materials referenced.

Given all that has preceded it, we regard the present decision to conduct a SWEIS at LANL as a bad-faith exercise undertaken in violation of NEPA.

Primarily, this is because:

- a. the present SWEIS exercise comes *after*, not *before*, major federal actions with significant environmental impacts;
- b. these actions have been extensively segmented; and
- c. many of these segmented actions have had no NEPA analysis at all. NNSA is implementing the most expensive infrastructure project in the history of the state without prior NEPA analysis.

We discussed some of these problems in this August 18, 2022 press release ("[NNSA to conduct lab-wide 'environmental impact statement process' to justify two year old decision to add huge new mission to LANL; Documents obtained under FOIA reveal much greater expansion is needed for the new mission than was admitted two years ago -- including one or more new plutonium facilities and other high-hazard facilities; Study Group: nuclear agency seeks legitimacy for illegal actions with a new 'public process' that is itself post-hoc and illegal](#)").

Previously we wrote, anticipating the present scoping process, "[Is DOE going to conduct a new SWEIS for LANL and if so what would it mean?](#)," January 7, 2022.

We commented on the inadequacy of the Draft Supplement Analysis (DSA) of the Complex Transformation Supplement Programmatic Environmental Impact Statement (CTSPEIS) [here](#) and [here](#) , and on the inadequacy of the DSA of the 2008 SWEIS for LANL Plutonium Operations [here](#). For the reasons provided in those comments we regard the amended records of decision (ARODs) subsequently issued [here](#), [here](#), and in the case of the 2008 LANL SWEIS, [here](#), to be ill-founded. Our comments on the final SWEIS DSA are here: "[DOE concludes no rigorous environmental analyses needed for vast expansion of Los Alamos nuclear missions, including plutonium bomb core factory -- altogether, the largest project in the history of New Mexico](#)," Sep 1, 2020.

For the reasons stated in those comments, the actions currently being implemented at LANL are not supported by the interdisciplinary analysis and public disclosure/input required by NEPA.

Due to your failure to conduct a scoping hearing for a new SWEIS prior to implementing your 2020 decisions, on October 7, 2020 we conducted our own in-person scoping hearing at the New Mexico State Capitol. We compiled [a complete record of those proceedings](#) for your convenience and sent them to NNSA at the time. We now incorporate them into these comments.

1. Halt expansion of pit production at LANL pending actual, not post-hoc, NEPA analysis

For all these reasons we ask you to halt all preparations for pit production at LANL, and related expansion activities, which aim for a production rate greater than approved in multiple prior RODs, which was 20 pits per year (ppy), or which require more than 11,400 square feet of space within PF-4, as previously allowed (e.g. at [Fed. Reg. Vol. 64, No. 181, 20 Sep 1999](#), p. 50803, as discussed in context [here](#)).

2. Provide documents necessary to comment knowledgeably on the scope of the proposed LANL SWEIS

We have requested some of these documents -- the ones we know about -- under the Freedom of Information Act (FOIA). They have not been provided.

Some of the necessary documents are the subject of active litigation in Washington, DC federal District Court (Case # 1:22-cv-00935-FYP).

Rather than list all those documents here, could we discuss this matter informally on the telephone, zeroing in on the most important documents? *No NNSA Los Alamos Field Office Manager, or anyone else we can remember, has returned a single phone call from our office in approximately 10 years. We cannot recall the NNSA Los Alamos public affairs officer ever returning a phone call.*

For example, the NOI states that "[b]ecause of comprehensive site planning activities that are under consideration, as well as other reasons, NNSA determined that it was appropriate to revisit the 2008 SWEIS analysis." We have unsuccessfully requested the results of these "comprehensive site planning activities" under FOIA, which were delivered to NNSA at the end of September 2021, per the Triad contract with NNSA. [LA-UR-22-21424](#) is not that product, as we have explained in detail to the NNSA FOIA office.

The NOI does not mention a verifiable proposal and does not track NNSA's actual decisionmaking processes.

It appears that the proposed SWEIS is designed as a programmatic analysis of similar scope to the Campus Master Plan that NNSA has already adopted and is implementing. The Campus Master Plan and implementing actions are illegal until subjected to NEPA scrutiny. NNSA must ensure that no further federal funds are used by staff and NNSA contractors to implement unlawful decisionmaking. The Campus Master Plan is being unlawfully withheld from us, as are program plans and strategies and waste management plans, which are subjects in the above litigation.

The scoping notice is very vague as to use of NEPA tiering. Regardless, actions that are already implementing these plans without NEPA analysis, and actions that are reasonably foreseeable, must be analyzed in the SWEIS. It appears that NNSA is using tiering to delay disclosure and limit the scope of NEPA analysis.

3. Extend the scoping period until adequate time has been allowed to review these documents

It is difficult to impossible to understand the nature and scope of alternatives available to NNSA without knowing NNSA's actual plans and the options presented to NNSA by its LANL management and operating (M&O) contractor Triad. It will take at least two weeks after receipt of these documents to read and understand them.

4. Provide in-person scoping hearings in Los Alamos, Santa Fe, and Espanola with adequate time for questions, answers, and testimony

The present plan to have two 2-hour scoping hearings, on-line only, is rather pathetic. The matter at hand is the largest project in New Mexico history and the largest project in NNSA history. Citizens, governments, and tribes know very little about it. What NNSA decides to do at LANL will affect tens if not hundreds of thousands of people in north-central New Mexico as well as hundreds of millions of

dollars of private investments with their own environmental impacts, in addition to NNSA's. The affected people deserve to know what is being planned, which will impact their communities, families, schools, roads, local governments, and water supplies. Your scoping plan does not do that.

5. Provide interactive scoping hearings that include:

- a. **Detailed exhibits encompassing the full range of possible NNSA actions at LANL;**
- b. **Direct interaction between the interested public and responsible NNSA officials capable of answering questions about the proposed action and alternatives;**
- c. **Protocols to ensure all public comments are on the record.**

Thank you for your attention,

Greg Mello, for the Los Alamos Study Group