



Los Alamos Study Group

Nuclear disarmament • Peace, not wars • Environmental protection • Economic & social resilience

April 10, 2025

By email to Mr. Stephen Hoffman, LANLSWEIS@nnsa.doe.gov

LANL SWEIS Document Manager, DOE/NNSA

3747 W. Jemez Road

Los Alamos, New Mexico 87544

Dear Mr. Hoffman –

Thank you for your work in presenting the Draft Site-Wide Environmental Impact Statement (SWEIS) for continued operation of the Los Alamos National Laboratory (LANL), and for accepting these and other comments. While we are highly critical of the process which led to, as well as the content of, this draft SWEIS, we mean no personal slight to you. The hearing process was conducted fairly well in our view, and the comment period was adequate.

That said, the overall SWEIS process is perhaps the greatest of bad-faith National Environmental Policy Act (NEPA) exercises we have ever seen from the National Nuclear Security Administration (NNSA). Compliance with NEPA is based on good-faith analysis. We understood from the moment the draft SWEIS was announced that a) good faith was missing, and also b) every comment we make will be used to “improve the final document,” in the words of NNSA at one of the hearings, but not to improve NNSA’s decisions. That may sound cynical but NNSA’s history, including in this analysis, strongly supports it.

The single most important comment to make here is that *this SWEIS is “late,” in the special NEPA sense – that is, it follows, rather than precedes, prior federal decisions with significant environmental impacts, which here are included in the “No Action Alternative” (NAA).* Some of these multi-billion-dollar, highly-impactful actions are being implemented as I write; others are to be implemented later but are said to have “completed” their NEPA analysis or not to require any NEPA analysis at all (i.e. have been given categorical exclusions), or else they have just been ignored.

Absent full and impartial reconsideration of the actions listed in the NAA, the post-decisional quality of this SWEIS for these actions makes the present SWEIS process invalid.

As we [wrote](#) to you in 2022 in our scoping comments, the actions in question have been extensively *segmented*; and *many of these segmented actions have had no NEPA analysis at all.*

The actions NNSA is taking right now, prior to completing this SWEIS, involve commitments of resources that prejudice decisionmaking and create environmental impacts. *NNSA needs to pause, or other cases not begin, all the work included in the NAA, to be able to write a NEPA-compliant final SWEIS.*

In sum, NNSA is implementing the most expensive infrastructure project in the history of the state without prior factual NEPA analysis. If anything is contrary to NEPA, this is it. And NNSA knows exactly what it is doing, because we told you. This defines bad faith. NNSA is using NEPA to legitimate major decisions which have already been made – the exact opposite of NEPA’s intent.

NNSA is now under new leadership, under a new President elected with a mandate to decrease deficit spending. If you wish, we will work with the collective “you” in the Forrestal Building in Washington DC, to fashion a better, more NEPA-compliant path forward for NNSA at LANL. We would be willing to devote considerable time and expense to that DC-based effort if we thought senior NNSA management was sincere about using NEPA compliance to improve management decisions.

We have already commented extensively orally on the draft SWEIS at three of the four hearings you organized. Prior to those comments there were other comments, which I would like to include here by reference:

- [Comments on the Draft Supplement Analysis \(DSA\) of the 2008 Site-Wide Environmental Impact Statement \(2008 SWEIS\) for the Continued Operation of Los Alamos National Laboratory for Plutonium Operations \(DOE/EIS-0380-SA-06\), May 9, 2020.](#)
- [Department of Energy 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, September 1, 2020.](#) This was a press release, but we would like you to incorporate those comments in today's comments. Related, see also these press accounts regarding the subsequent Amended Record of Decision (AROD): "[Feds close door on new LANL environmental study](#)," *Santa Fe New Mexican*; "[US Officials: No New Environmental Study for Nuclear Lab](#)," *New York Times*, *Associated Press*; "[NNSA: No need for new environmental study at LANL](#)," *Albuquerque Journal*.
- [Testimony from citizens' hearing on LANL expansion and pit production, Oct 17, 2020.](#) In the absence of NNSA doing so in a timely manner (i.e. prior to major federal decisions significantly affecting the environment), we conducted a public SWEIS scoping hearing at our own expense.
- [LASG initial scoping comments on the LANL SWEIS](#), Sep 11, 2022. These comments are particularly important to include. They also include prior comments to NNSA going back to 2018 that directly bear on the draft SWEIS.

The decisions already taken in support of plutonium warhead core ("pit") production at LANL are inherently national in scope and impacts. A federal judge in South Carolina has in fact ruled that NNSA's overall decision to conduct pit production at two sites was made in violation of NEPA (Hon. Mary Geiger Lewis, "[Memorandum Opinion and Order](#)," Sep 30, 2024, 1:21-cv-01942-MGL).

Stated differently, Judge Lewis ruling implies that *putting pit production at LANL, with all its supporting and ancillary projects and infrastructure developments, in the "No Action Alternative" would be illegal, were NNSA to persist in continuing that approach in its final SWEIS.*

Because of that inherent national character and the large scale and impacts of pit production at LANL – now LANL's largest single program – we therefore include here the following comments pertinent to the decision to conduct pit production at LANL, which the draft SWEIS claims need not be re-examined. (In fact this decision *is* to some extent being reexamined, in a forthcoming new or supplemented programmatic EIS (PEIS) process. See the [Settlement Agreement](#) in the above case at pp. 6-10, Jan 16, 2025, 1:21-cv-01942-MGL).

- [LASG comments on the draft Supplement Analysis \(SA\) to the Complex Transformation Supplemental Programmatic Environmental Impact Statement \(CTSPEIS\), Aug. 12, 2019.](#)
- Our August 14, 2019 [Addendum](#) to those draft CTSPEIS SA comments.
- LASG comments on the draft and the final EIS for pit production at the Savannah River Site (SRS) ([Jul 25, 2019](#) and [June 2, 2020](#), respectively).
- [Motion to File Amicus Curiae Declaration and Incorporated Memorandum in Support Thereof, Civil Action No. 1:21-1942-MGL](#), Oct 30, 2024. We explain this very pertinent motion and memorandum here: [Study Group files "friend of the court" motion in South Carolina plutonium "pit" lawsuit One pit factory instead of two would fully resolve this lawsuit while preserving strong environmental law](#), press release, Oct 30, 2024. As we note in our memorandum, *a decision to produce pits at SRS only would bring NNSA into programmatic compliance with NEPA.* We also explain in detail why pit production at LANL has not been analyzed factually under NEPA, including in the previous SWEIS.

- In this regard, we note that a new analysis of alternatives (AoA) for pit production needs to be conducted under DOE Order 413.3B. [NNSA's 2017 AoA](#) explicitly did *not* support either the two-site pit plan or reliable/industrial pit production in LANL's Building PF-4, both being formal decisions that were taken at the time by the Secretary of Energy's designated program officer (pp. 45-48). Independent, congressionally-mandated [review](#) did not support 24/7 production at PF-4 either. *NNSA is proceeding with LANL's largest program, entirely included in the NAA, not just in violation of NEPA but also contrary to its own internal study and to independent peer review.*

Please include in these comments this short memorandum: [The fiscal case against plutonium pit production at LANL](#), Feb 25, 2025; and at greater length: [Overview of Pit Production Challenges at Los Alamos National Laboratory](#), Apr 29, 2024.

Turning to some of the specifics of the present draft – specifics which we need not even engage with, given the overall illegality of the process:

- We have already said that every project in the NAA which is not already complete needs to be removed from the NAA and placed in one or more other alternatives (or abandoned), and further investments and actions in those projects paused or discontinued altogether. Pit production and its supporting projects, in particular, should be paused pending NEPA alternatives analysis on both a national (programmatic) and local (SWEIS) scale.

There are 88 proposed new facilities in the NAA, with a total of 1.47 million (M) sq. ft. of new construction. There are also more than 11 new infrastructure projects, covering 216 on-site acres (and many more acres off-site, including in the Caja del Rio).

All this should be a) stopped and b) moved to one of the “action” alternatives, barring very strong arguments in specific cases – arguments which NNSA has not made.

A proper NAA would be a true “no action” alternative, i.e. one involving the orderly closure of LANL.

- Given that LANL has *already* expanded by so much that (to pick just one anecdote) the NNSA Field Office Manager Ted Wyka has told the Los Alamos County Council that the County needs an additional 10,000 housing units – i.e. that the County needs to roughly double in population, despite no apparent way this can be done – *it is obvious that LANL has a “size problem.” We believe the final SWEIS alternatives should only include Reduced Operations alternatives.*
- Altogether, NNSA's preferred "Expanded Operations Alternative" (EOA) for LANL involves constructing 219 new facilities with a total floor area of 5.83 M sq. ft. The *net* new construction, after subtracting the sum of decommissioning, dismantling and disposal (DD&D), is 2.98 M sq. ft. By comparison, the Pentagon has 6.5 M sq. ft. of interior space. The EOA includes 219 new facilities, PLUS more than 100 upgrades, and utility and infrastructure projects totaling 1,190 acres (1.86 sq. miles). It ALSO includes 13,935 acres (21.8 sq. miles) of forest thinning, some of which is habitat for the Mexican Spotted Owl and Jemez Salamander.

Needless to say, this is a vastly ambitious plan. *We do not believe the EOA is realistic. We believe it should be abandoned in the final SWEIS.*

NEPA is an environmental law, with environmental quality its main purpose. The environmental impacts of LANL will more or less scale with its size. *If protecting the environment is a goal, and it is, LANL should not grow. It should be smaller.*

LANL is too big. Environmental problems caused by LANL are reaching and surpassing a number of thresholds, above which impacts will compound in a greater-than-linear fashion. Traffic congestion and

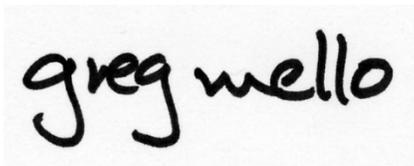
accidents are among those non-linear growth problems for which NNSA apparently has no solution. The expansion of LANL is killing people right now.

By including all these projects in the LANL SWEIS, NNSA will in the future be able to argue that their individual and combined environmental impact has already been analyzed -- whether the whole preferred alternative (i.e. the EOA, which is the sum of all the projects discussed in this SWEIS) is chosen at first or not.

- The Modernized Operations Alternative (MOA) would build 4.90 M new sq. ft. (2.1 M net sq. ft.), plus 1,144 acres of upgrades and utility infrastructure. Again: too big. Drop it.
- There are projects in the MOA and EOA which will be seen as necessary or beneficial. These need to be completely rearranged into new “reduced action” alternatives. The arrangement of projects NNSA provides makes little sense. It is not however our job to write a new SWEIS for you, with the limited information allowed to us.

These conclude our comments at the present time. Please consider our offer.

Sincerely,

A handwritten signature in black ink that reads "greg mello". The signature is written in a cursive, lowercase style.

Greg Mello, for the Los Alamos Study Group