

Dear Mr. Maestas,

Los Alamos Downwind Neighbors'  
Comments to NMED on WIPP's Permit Renewal:

New Mexicans were promised that WIPP would close in 2024 and that weapon-grade plutonium (pu) would not be stored at WIPP. TRU waste was never meant to include adulterated pu.

Expansion of the WIPP repository to the west would bring the repository into the oil fields endangering the WIPP project, the oil industry, and the groundwater. To the west of WIPP the land tends to be more karstic. (the land's surface is permeable so the water drains down and runs underground where caverns can develop). And yet the permittees have not specifically explored this area, the geohydrology of which might be in flux.

Out-of-state sites have been given priority over waste from LANL at WIPP. Though the permit requires the permittees to take more waste from LANL, there is no language that guarantees that the legacy waste at LANL, which is threatening groundwater, will have priority. WIPP's critical mission is changing in several ways. WIPP is scheduled to take 57,550 cubic meters of radioactive pu waste from bomb production at LANL over the next 50 years, more than half of WIPP's projected future capacity.

All future pit production at LANL is for speculative new designs that can't be tested because of the international testing moratorium, which erodes confidence in the weapons stockpile. The United Nations has declared nuclear weapons illegal under International law. We as New Mexican's object to facilitating the increased and sustained use of nuclear weapons; these new designs could push the U.S. into resuming testing, which would have severe proliferation and human health consequences.

Los Alamos Downwind Neighbors object to The National Nuclear Security Administration & Department of Energy, transforming WIPP into a radioactive waste dump for expanded nuclear weapons production.

LANL and WIPP have bad safety records. Prior to the 2014 underground drum explosion, which shut down WIPP for three years, LANL was in direct noncompliance with correct procedures and safety guidelines when packing drums to be sent to WIPP. The Environment Department was not overseeing the packing of the drums. The instruction manual misdirected workers to put organic kitty litter in the WIPP drums. Supervisors did not catch the manual's misdirection nor did they take any affirmative action when workers reported that drums were smoking when being packed. Luckily there were no workers in the WIPP underground at the time of the explosion due to an out-of-control fire in a rundown front loader several days before, when a fire extinguisher could not be found.

The WIPP Permit is scheduled to be renewed every 10 years and the final closure date of WIPP can and should be set in this renewal. We, as a Group, see that the intention of WIPP proponents is to increase the volume and mission of WIPP, not to look for alternative locations. We believe that the state's intention should be to limit all nuclear waste production because of its potential harm to humanity and the world as a whole for millions of years into the future. NO nuclear waste is ever safe! The motto of WIPP's original mission statement "Start Clean, Stay Clean" is as outdated as the 1950s slogans that Nuclear Energy is clean and safe and too cheap to meter.

We approve of NMED's requirement that DOE give a report each year on their progress in siting another repository out of state, but we would like this requirement to acquire some teeth. What is the consequence if DOE makes no progress in siting another repository?

It is the position of the Los Alamos Downwind Neighbors that nuclear materials should be trucked across our highways and transported on our railways as little as possible. On our highways and rail lines accidents are frequent and often severe. Nuclear materials including surplus plutonium should be disposed of close to where they are produced. To ship surplus plutonium across the country from Pantex to Los Alamos to Savannah River and back to WIPP, mostly in a powdered form, puts countless communities at risk needlessly. Plutonium is one of the most toxic substances on earth and in a powdered form, is its most dangerous form.

As down winders from Los Alamos, we are very concerned about the proposed oxidation of surplus plutonium at Los Alamos National Laboratories (LANL). Two dangerous projects are being proposed for LANL: the production of plutonium pits and the oxidation of plutonium. Robert Alvarez, an award-winning advisor to the National Security Administration on nuclear issues in the 1990s, has called the simultaneous enactment of these two projects at LANL 'a potential bottleneck.'

Few of us in our downwind community believe that LANL can perform safely both of the delicate operations that these projects require.

If we look at LANL's track record in light of the Defense Nuclear Facilities Safety Board presentation made recently in Santa Fe, New Mexico, it is impossible not to suspect a high risk. The DNFSB recommended that the High Active Confinement Ventilation System at Los Alamos labs be replaced but instead, the labs will only replace some of the components, meaning that there are weak links in the system with no guarantee that these weak links will be taken care of before plutonium oxidation begins. Contamination may not be confined to the labs but instead, there is a risk that any release of contaminants will reach the outside air and eventually to the air we breathe. Also, the labs' safety system has been in place since 1978 and there has been no comprehensive reliant upgrade. So to conclude that there is no pathway for contaminants to reach us seems overly optimistic.

Pit production was halted a decade ago at LANL due to the inability of the labs to manufacture pits safely. Given this background, one would think that LANL would be taking to heart all recommendations of the Safety Board, but instead, the usual pattern

of meeting production deadlines, as the primary, immutable goal of the labs, prevails. Washington is not innocent when it comes to this deadly and dangerous practice. Fines for safety infractions remain low while rewards for meeting production deadlines remain high.

Our communities; Dixon, Ojo Sarco, La Joya, Jacona (Pojuaque Valley), Chimayo and others have already been contaminated by the Cerro Grande Fire where hundreds of waste-strewn acres at LANL were burned; the prevailing winds carrying that contamination to our communities and other communities nearby.

Members of the Dixon and Ojo Sarco (a valley directly above Dixon) communities attended a meeting with the New Mexico Environment Department in Ojo Sarco soon after the fire. These community members were told there was Cobalt in their plums and Cesium in their broccoli but that the amount was below regulatory concern. Regulations are based on urban eating habits whereas, in a rural setting, families eat many plums when they become ripe, the same with broccoli.

There were other signs we had been contaminated: Foals died after nursing (if young horses die after birth, they usually die before nursing.); goats the same; chickens stopped laying. As time went on, a Dixon Community member who was a vegetarian and ate mostly out of her garden, died of cancer and in a small community above Ojo Sarco, La Joya, at the exact elevation of the labs, cancer became rampant.

Though LANL determined that there was no significant contamination from the fire, LANL's studies contained several flaws. LANL used 'upwind' communities for a control in the study of 'downwind' communities. Though it is true that Dixon, Embudo, Ojo Sarco, etc. lie in the prevalent SW to NE wind pattern, during the CG fire, the wind blew in a south-by-southeast direction for at least one day, making Cochiti, one of the 'control' sites also a 'downwind' site. Another flaw was the lack of independent lab work and analysis; another was that individual radionuclides which are admittedly associated with LANL such as Cesium 137 whose incidence did increase in some downwind communities after the fire is left unexplained.

Dixon, Ojo Sarco, La Joya, and Chimayo are in Rio Arriba County. The demographics of Rio Arriba are that we are 71.3% Hispanic or Latino and that our average family median income is \$46,004 compared to the average US family median income of \$70,784. The first language of 58.3% of the population is other than English. So we are an Environmental Justice Community and as such, according to state and federal mandates, should be assessed and consulted before being further put at risk by more dangerous, potentially polluting projects.

According to the cancer death statistics presented in NNSA's DEIS on the Disposition of Surplus Plutonium as support for Los Alamos as a non polluter, cancer deaths in Los Alamos and Rio Arriba are below national averages. But the given tables are misleading as to the impacts of the labs on the health of down winders. Los Alamos County has the highest cancer incidence rate in the state according to state statistics but due to the county's premium health care system, its cancer death rate lags behind other poorer counties. Rio Arriba County is a very large county, not all of which is

downwind from the labs. To get a true picture of cancers and other maladies caused by LANL, downwind communities must be examined in a standalone study.

A Peacemaker taught us about the Seven Generations. He said, "When you sit in council for the welfare of the people, you must not think of yourself or of your family, not even of your generation. He said, make your decisions on behalf of the seven generations coming, so that they may enjoy what you have today." based on The Seventh Generation Principle, an ancient Haudenosaunee (Iroquois) philosophy that the decisions we make today should result in a sustainable world seven generations into the future. We would like WIPP's state permit to reflect that philosophy.

As an Environmental Justice Community we demand the rights bestowed on us by state and federal entities, to be listened to when we say "No more". No more dangerous projects at LANL that put our neighbors and us at risk including the oxidation of surplus plutonium bound for WIPP.

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for,  
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