

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

SAVANNAH RIVER SITE WATCH, TOM	)	No. 1:21-cv-01942-MGL
CLEMENTS, THE GULLAH/GEECHEE SEA	)	
ISLAND COALITION, NUCLEAR WATCH	)	
NEW MEXICO, and TRI-VALLEY	)	
COMMUNITIES AGAINST A RADIOACTIVE	)	
ENVIRONMENT,	)	
	)	
Plaintiffs,	)	
v.	)	<b>DECLARATION OF</b>
	)	<b>JAMES J. COGLAN</b>
UNITED STATES DEPARTMENT OF	)	
ENERGY, JENNIFER GRANHOLM, in her	)	
official capacity as the Secretary, THE	)	
NATIONAL NUCLEAR SECURITY	)	
ADMINISTRATION, and JILL HRUBY,	)	
Administrator,	)	
	)	
Defendants.	)	
_____	)	

PERSONALLY APPEARED BEFORE ME, James J. Coghlan, who being duly sworn, states as follows:

1. I am the authorized representative and Executive Director for the organization Nuclear Watch New Mexico (“NukeWatch”). This Affidavit is based on my personal knowledge, information, and belief. I am over the age of eighteen (18) and suffer from no legal incapacity.
2. NukeWatch is a project of the Southwest Research and Information Center, a 501(c)(3) non-profit organization based in Albuquerque, New Mexico. NukeWatch’s mission is to use research, public education, and effective citizen action to promote safety, environmental protection, and cleanup at nuclear facilities, including the Los Alamos

Nuclear Laboratory (“LANL”) in New Mexico, and to advocate for U.S. leadership toward a world free of nuclear weapons.

3. NukeWatch has a long history of active participation in National Nuclear Security Administration (“NNSA”) processes involving expanded plutonium pit production. Before NukeWatch’s founding in December 1999, I submitted extensive comments on the 1996 Stockpile Stewardship and Management Programmatic Environmental Impact Statement (“PEIS”) and the 1999 draft LANL Site-Wide Environmental Impact Statement (“SWEIS”). Since then, NukeWatch has submitted extensive public comment on the Department of Energy (“DOE”) and NNSA NEPA documents, including but not limited to the 2008 Complex Transformation Supplemental PEIS, the 2019 Complex Transformation SPEIS Supplement Analysis, the 2020 LANL SWEIS Supplement Analysis, and the 2020 Draft Savannah River Site (SRS) EIS. NukeWatch carries out its mission by gathering this critical information, disseminating it to educate members of the public, and promoting the public’s advocacy of nuclear nonproliferation, as well as safety and environmental protection in any nuclear programs.
4. I regularly recreate just outside the boundaries of LANL, and specifically, I have been rock climbing on nearby crags for nearly 50 years. For more than 20 of those years, I climbed in an area contiguous to and immediately downstream of LANL and along the Los Alamos Canyon’s narrow streambed. There are instances of plutonium migration from LANL, through the streambed to the Rio Grande. There have been measurable detections of plutonium up to 17 miles downstream, in Cochiti Lake. Since that time, I have climbed in an area known as the Overlook and other nearby crags located to the east of White Rock,

New Mexico, near LANL and where many LANL employees live. The Overlook is located within six miles of LANL's plutonium pit production facility.

5. Before the COVID pandemic, I traveled to LANL on average four times per year to attend meetings on-site. In addition, I travel through the heart of the Laboratory on State Highways 501 and 502 at least a half dozen times per year to access the Jemez Mountains for camping, hiking and rock climbing and to visit a spiritual center located in Jemez Springs, New Mexico.
6. The failure of the Defendants to conduct a new or supplemental PEIS thwarts NukeWatch's mission of promoting safety at nuclear facilities as they exist and their planned expansions by precluding any public involvement or discussion of LANL's checkered safety history. A key component for NukeWatch to effectively carry out its mission is assessing and utilizing available information regarding programs and activities at LANL and across DOE's nuclear weapons complex. NukeWatch is directly harmed by Defendants' failure to prepare a PEIS because it deprives NukeWatch of environmental information and analysis to which it is legally entitled and directly frustrates its mission by preventing it from adequately educating the public and monitoring DOE activities and programs.
7. The absence of a PEIS evaluating the program-wide and cumulative effects on the environment and the public's health and safety from plutonium pit production at both SRS and LANL will necessitate the diversion of NukeWatch resources to obtain such information and disseminate it to the public. This information on environmental and human health impacts—the precise type of information NEPA was enacted to ensure was developed and shared with decision-makers, including the public—is essential to NukeWatch fulfilling its purpose.

8. The Defense Nuclear Facilities Safety Board (“DNFSB”) has reported incompatibly mixed radioactive transuranic waste drums at LANL’s “Area G”, which is located approximately three miles from where I frequently climb. These waste drums could burst at any time. Indeed, a waste barrel improperly prepared by LANL did burst underground at the Waste Isolation Pilot Plant in southern New Mexico, shutting that facility down for nearly three years and costing taxpayers some \$2 billion to reopen. If another barrel were to burst, it could expose workers, members of the public, myself and other members of NukeWatch to harmful doses of radiation. The NEPA analyses at issue here did not consider this information in evaluating potential environmental effects from proposals that will generate additional radioactive transuranic waste at LANL.
9. I and other members of NukeWatch New Mexico may also be injured because transuranic waste created from the proposed increase in pit production may not be capable of timely disposition in the Waste Isolation Pilot Plant due to lack of capacity and will therefore be kept at LANL which could, as stated in paragraph 8, also pose an increased risk of radiation exposure.
10. NNSA has refused to consider and implement a number of the DNFSB’s recommendations that directly pertain to expanded plutonium pit production at LANL, such as installing safety class active confinement ventilation systems at LANL’s pit production facility. NNSA should have discussed this in the 2008 Complex Transformation Supplemental PEIS and the 2019 CT SPEIS Supplement Analysis but failed to do so. It also failed to do so in its 2020 SRS EIS on pit production. These failures should be remedied in a new or supplemental PEIS, the lack of which impedes Nuke Watch’s nuclear safety mission and places public safety and members of NukeWatch at risk.


11. The failure to consider these factors, including the inconsistency from DNFSB's analysis of risk, in conjunction with the plan to expand production to two different sites (LANL and SRS) and stress the system even further, could result in increased risk of accidents and resultant injury, in particular to me when I spend a substantial amount of my free time near the Lab.
12. Wildfires are an increasing threat to LANL due to climate change and extended periods of drought. In 2022, the State of New Mexico recorded two record wildfires that impacted over 325,000 acres each. In 2000, a fire burned 3,500 acres of LANL property, which forced mandatory evacuations of LANL and the contiguous Los Alamos townsite. The effects of the fire could have been far worse had it reached Area G, which at the time had more than 40,000 barrels of plutonium-contaminated wastes stored above ground. The Department of Energy and LANL undertook fire mitigation measures to protect Area G only after public comment pointed out the lack of wildfire risk analysis in a draft 1999 LANL Site-Wide Environmental Impact Statement. This clearly indicates that public review processes under the National Environmental Policy Act benefit both the government and the public. It could have been very serious had ruptured waste drums released respirable plutonium.
13. In 2011, yet another catastrophic wildfire reached LANL's western boundary, only stopped by State Highway 501 as a firebreak. Given increasing aridity in the Southwest, the lack of a new or supplemental PEIS that would analyze and consider fire mitigation measures for LANL is impeding Nuke Watch's mission to enhance public and occupational safety and environmental protection from harmful nuclear impacts by prohibiting NEPA comment.

14. With SRS Watch and Tri-Valley CAREs, NukeWatch has petitioned NNSA five times for a new or supplemental PEIS on expanded plutonium pit production. The rejection of these petitions harms the interests of NukeWatch and of its supporters and members in protecting the environment and local communities from harm caused by prior and ongoing production of nuclear weaponry and waste at LANL. The rejection of these petitions also deprives NukeWatch and its members of environmental information and analysis which they are entitled to receive under NEPA.

Further the Affiant sayeth not.

  
James J. Coghlan

SWORN before me this 26<sup>th</sup> day of April, 2024.

  
Notary Public for New Mexico  
My Commission Expires: 8/29/27

