

Citizen Action New Mexico
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ALBUQUERQUE — Citizen Action New Mexico is suing the National Nuclear Security Agency (NNSA) under the Freedom of Information Act for withholding documents related to the safety of nuclear operations at Sandia National Laboratories in Albuquerque, New Mexico. NNSA is the semi-autonomous nuclear weapons agency within the U.S. Department of Energy (DOE).

Citizen Action's lawsuit was filed November 22, 2013 in federal court in Albuquerque. The law offices of Nancy Simmons filed the lawsuit on behalf of Citizen Action.

The suit alleges that the NNSA has withheld documents and work papers for over two years about whether the nuclear reactors at Sandia have experienced shutdowns, accidents or violated safety regulations. The FOIA requires federal agencies to respond in 20 days. The lawsuit alleges a continuing pattern and practice of wrongful delay by the NNSA to violate the Freedom of Information Act.

Dave McCoy, executive director for Citizen Action, stated that “Sandia deliberately withheld the documents for over 2 years to hide them from the public during the federal Defense Nuclear Facility Safety Board's investigation of Sandia's nuclear reactors and during a period of high public concern about the Fukushima reactor meltdowns. Sandia may be operating its reactors despite unresolved safety questions that require shutdown.”

The concerns of the federal safety board date back to 2004 when its staff described numerous safety deficiencies. Again in 2012, the staff identified concerns about the lack of independent safety assessments and poor computer software quality for Sandia's ACRR reactor for the confinement of plutonium in the event of an explosion. Lack of assurance that safety systems would function was emphasized. The control panel could not inform operators what steps to take.

A previous lawsuit filed by Citizen Action against the NNSA resulted in a Santa Fe Federal District Court decision that ordered the NNSA to halt its “Kafkaesque and labyrinthine” pattern and practice of withholding documents.

McCoy stated, “Sandia management shows willingness to hide the facts about nuclear waste draining into Albuquerque's aquifer and the conduct of unsafe nuclear operations.”

Additional Information

A lawsuit filed in 2011 by Citizen Action for Sandia's Mixed Waste Landfill resulted in obtaining documents that describe the EPA Region 6 and the New Mexico Environment Department's cover up of defective groundwater monitoring data used to make an administrative decision to leave radioactive and hazardous wastes in place under a dirt cover at Sandia's Mixed Waste Landfill.

Citizen Action first complained to the EPA in 2007 that the monitoring wells were in the wrong locations, improperly drilled and had corroded screens and could not be relied on for data to leave the radioactive wasters above Albuquerque's aquifer.

The Environment Department is further delaying a 5 year review that was required under its own order for the Mixed Waste Landfill and was due three years ago. The 2005 order requires Sandia to consider the feasibility of excavating the Mixed Waste Landfill every 5 years.

McCoy says that the Department wants to avoid further embarrassment from having evidence introduced into the review record that it lied to the public about both the inadequacy of the dirt cover and the defective ground water monitoring. In the 2012 NM Legislative Session, the Senate considered a Memorial 34 demanding that the Department immediately order Sandia to perform the safety review.

The Environment Department sued Citizen Action in 2007 to keep a TechLaw, Inc. report secret from the public that described defects in the design of the landfill's dirt cover to protect the groundwater. Citizen Action obtained the report after a state court rejected the Department's claim of "executive privilege" to withhold the TechLaw document.

Citizen Action is a 501(C)(3) project of the New Mexico Community Foundation.