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FFCO  
~~Permit~~

TO: Joel Dougherty and Mike Barra, EPA Region 6

FROM: Joyce Laeser, DOE, LAAO

DATE: December 8, 1993

RE: Revisions to Section II, Revision to draft response to San Ildefonso Comment No. 6 and Restatement of the info I provided you on November 23

The Section II and Comment 6 language are on the attached sheet. Just so you don't have trouble locating what you need, I am providing again the way I had suggested the last sentence of the new lanaguage in Section I.8 read and following that the language I proposed, which you intend to use, for addressing DOE's obligations in the ACCORDS (Section I.9).

Section I.8:

✓ DOE further acknowledges that the terms of this Agreement shall not restrict in any manner the content of such plan or agreement and cannot be relied upon by DOE as having any precedential effect in negotiations with the State regarding such plan or agreement.

Section I.9:

✓ 9. DOE has entered into Accords with the Pueblos of San Ildefonso, Santa Clara, Jemez, and Cochiti, pursuant to which DOE has agreed to consult with the Pueblos to assure that tribal rights, responsibilities, and concerns are addressed prior to DOE taking actions, making decision, or implementing programs that may affect the Pueblos or their cultural, religious, and environmental resources. Nothing in this Agreement shall be construed to interfere with DOE's obligations under the Accords and DOE assures that it intends to consult with the Pueblos concerning the effects on the Pueblos of the decisions and programs which are required as a result of this Agreement.



The following language is proposed for changing Section II (Public Comment)

The provisions of Section II.3. and 4. will be revised as follows to reflect that EPA extended the 30-day comment period:

✓  
3. Prior to publishing the notice and during the period for public comment, DOE placed the draft Agreement at several locations, satisfactory to EPA, which assured the draft Agreement was reasonably available to members of the public who might wish to review it. The notice provided a period of 30 days for submission of comments. At the request of several groups, EPA extended the comment period for an additional ten days.

✓  
4. EPA considered as expeditiously as possible all public comments which were submitted within the extended comment period and determined whether such comments warranted any changes to the draft Agreement. Comments warranting revision of the draft Agreement were discussed with DOE and incorporated into the Agreement pursuant to negotiations between the parties.

The following language is proposed with regard to changing Section XXIII (Other Applicable Law) in response to San Ildefonso comment No. 6 (page 22 of draft responses):

✓  
**RESPONSE:** In recognition that the Pueblo may during the term of this FFCA issue regulations or standards which are applicable to LANL activities, Section IIXXX (Other Applicable Law) will be revised to include applicable "Tribal" laws and regulations among those with which DOE must comply.

OFFICE OF COUNSEL  
LOS ALAMOS AREA OFFICE  
FACSIMILE COVER PAGE

No. of Pages 2 + cover

Date: 12/8/93

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MESSAGE: \_\_\_\_\_

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let me know if you  
need anything now.

PLEASE CALL IMMEDIATELY FOR PICKUP.