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 Permit  
 FFCA

TO: Joel Dougherty, EPA Region 6 (FAX 214 655-6460)  
 FROM: Joyce Laeser, DOE, LAO (Phone 505 667-4667, FAX 665-4873)  
 RE: Responses to Comments from San Ildefonso  
 DATE: January 21, 1994

DOE HQ has expressed some concern that we not create the implication with the addition of new language at Section I, paragraph 9, that the FFCA imposes any new obligations on DOE with respect to the Pueblos.

I have reviewed the draft response to San Ildefonso Comment 2 and this is what my notes reflect we discussed and where we ended up:

Your proposed last sentence was deleted and we suggested that the underlined sentence below be added. Following is a corrected text of where I think we are presently:

**RESPONSE:** The use of land by at LANL for waste disposal is not within the scope of the Draft FFCA. The FFCA addresses only issues involving treatment and storage. However, EPA is sensitive to the Pueblo's concerns regarding ancestral sites. EPA wants to ensure that LANL's compliance with the FFCA in no way adversely impacts ancestral sites. Therefore, the Draft FFCA will be modified to include the following language. In addition, the FFCA has been revised to add a paragraph to Section I to recognize DOE's obligation to consult with the four Pueblos with whom it has signed Accords.

If what is set forth in the above paragraph is what you currently have in your draft responses, I would appreciate your adding one additional sentence to insure that the commenter understands that the new paragraph I.9 does not create any new obligations on DOE. The sentence:

"Although the addition of this paragraph does not impose any obligations on DOE which are not already imposed by law or the Accords, it serves to highlight DOE's existing commitment to consult with the Pueblos before taking actions under the FFCA which may affect the Pueblos and their interests."

Please let me know what you think.



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