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October 24, 1994

Mr. David Rossen
LANL SWEIS Project Director
U.S. Department of Energy
P.O. Box 5400
Albuquerque, N.M. 87185

Re: LANL SWEIS Comments

Dear Mr. Rossen:

As per your discussion with Mr. Ralph Kopansky regarding comments on projects that should be included in the LANL SWEIS, we have prepared the following analysis. It is our contention that all projects be included in the SWEIS for the following reasons:

1. The decision on LANL mission including reconfiguration, waste management, and environmental cleanup and restoration are interrelated. New activities or continuation of existing activities will generate more waste and ultimately require environmental remediation. According to your own information, there exist major environmental problems that will require a sizable budget and many years to remediate. That is the baseline. These problems came about because of weapons R&D and related activities over a 52 year time span.

2. You can probably demonstrate that some improvements are necessary to meet environmental, health, and safety standards and the argument can probably be made that if no action occurs with some projects, employees and possibly the public will continue to be at risk.

3. The confounding variable in this line of reasoning, however, is that "if" decisions are made to continue or increase the amount of weapons related work at Los Alamos new facilities or major improvements will be necessary to build capacity, that increased levels of waste will be generated (even with waste minimization), that additional space and methods will be needed to manage waste, therefore, failure to include all programs in the SWEIS, the fissile PEIS, and related studies, is a misrepresentation of how these proposed excluded activities relate to the overall mission of LANL within the broader mission of DOE.



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4. If you realistically look at the time frame for implementation and completion of the proposed exclusionary projects (including those in which continuation of EA's are recommended and those that should be excluded from the entire NEPA process, and if the Department is correct in its time frame for completion of the various EIS's using 1997 as the target, these projects should be collapsed into the EIS's and further action deferred until the NEPA process is completed.

From our reading of DOE intentions identified in a number of different forms of communication, LANL will be designated as a major player in future weapons work including R & D, storage, disposition research (waste treatment), and weapons manufacturing (we point to the circular logic presented by DOE which states that in order to maintain a capability to manufacture nuclear weapons in the future, the U.S. must train and retain skills by manufacturing nuclear weapons). If LANL is designated as a major or lead facility (expanding the current mission beyond R&D), and given our assumption that DOE will be required to maintain the highest standards for protection of the environment and health and safety of employees and the public, the Department will be required to replace and build new facilities. Therefore, it makes no monetary or managerial sense to perform spot improvements on facilities when the Department should invest in and plan for major improvements across the LANL facility consistent with its expanding role.

We disagree with the recommendation that the following projects should be excluded from the SWEIS:

- **Chemistry and Metallurgy Research Building Upgrade -** By the very nature of "upgrade" and given the role of the CMR building within the existing and changing LANL mission, it must be included in the SWEIS.
- **High Explosives Materials Test Facility -** All of the documentation on justification for maintaining and improving the U.S. nuclear weapons stewardship capacity speaks to development and implementation of technologies that include some form of analysis of reliability. Given the test ban treaties and a philosophical commitment by the U.S. government towards making the test ban permanent, the fine line between testing and "verification" necessitates a capacity for evaluation. This facility, as well as D.A.R.H.T., and related evaluation activities, are part of the weapons mission and should be included in the SWEIS.
- **Low Energy Accelerator Laboratory -** The key issue is the purpose of the Low Energy Accelerator within the weapons activity. It must also be included in the SWEIS. Statements to the effect that "This is a small-scale construction project to support ongoing research" is a misrepresentation of the purpose of that "ongoing

research" and the relationship of that research to the nuclear weapons activities projected for LANL.

- **Nuclear Materials Storage Facility Upgrade - The DOE/LANL briefing on this project raises many serious questions including why the contractor or other responsible parties were not held accountable for mistakes in design and construction. This is a very costly improvement. It speaks to storage needs for fissile materials. Given the uncertainty of the storage and disposition issues for fissile materials that are suppose to be evaluated, with stakeholder involvement as part of the Pantex SWEIS and the Fissile PEIS, there is no valid argument for moving forward on this project until those two EIS's are completed, the RPEIS is addressed fully, and this project is evaluated in the LANL SWEIS.**
- **Safety Testing of Pits Under Thermal Stress - The theoretical justification for this project is probably valid. The fact is that this project is also part of the larger issues that are suppose to be addressed in the respective EIS's. Mission, role, resources, location, relationship to other activities, should be collapsed in some linear form so that they are examined in the context of the future role of LANL in the nuclear weapons complex. Once the EIS's are completed and careful examination is made regarding options, potential environmental impacts, this project along with all of the other projects can be evaluated in terms of policy in relationship of the future of LANL.**
- **Transuranic Waste Drum Staging Building - Small or large scale does not have any bearing on the relationship of this project to the overall environmental problems represented in the various EIS' activities for the Department. The storage and disposition of TRU waste is a major issue and speaks to the question of the future options for management of waste, WIPP, waste treatment, and generation of more waste without solutions to existing waste problems. How can this project not be included in the EIS activities?**
- **Weapons Components Test Facility Relocation - Again, this project is related to the large issues of mission, management of existing environmental problems, and has no merit for exclusion from the SWEIS and related EIS activities.**
- **Decontaminate, Decommission and Demolish Building 86 - Here, logic wins out. This is an environmental remediation**

project. It needs to be subjected to an SWEIS, which means that it must be evaluated in the context of all activities at LANL.

- **New Sanitary Landfill** - This should be in the SWEIS. All of the drainages on the Pajarito Plateau. Following EPA landfill requirements will not easily alleviate the pueblo concerns in terms of possible air borne, water, and other forms of contamination exposure.
- **Actinide Source Term Waste Test Program** - We have supported the EA on this project.
- **Controlled Air Incinerator, Expanded Operations** - The incinerator was challenged by the pueblos in the 1980's and it will be challenged again. State of New Mexico air quality standards are designed to prevent or drastically regulate emissions. It is anticipated that the pueblos will follow suite. National policy against operation of these type of incinerators, even if currently licensed, speaks to the public concerns about emissions of contaminants. This incinerator is especially threatening given its proposed uses. This must be included in the SWEIS.
- **Expansion of Area G** - This project must be included in all of the EIS activities. A decision on expansion relates directly to mission and specific programs that are and will generate waste not only at Los Alamos but at other sites. Waste management is a critical topic for evaluating future activities at Los Alamos.
- **Hazardous Waste Treatment Facility and Mixed Waste Receiving and Storage** - This is an SWEIS project. There are regulatory non-compliance issues involved. Current packaging and storage does poses a human health and environmental risk. On the other hand, proceeding on this project without full consideration of all of the potential risks of mission (and programs) is contrary to the intent of NEPA and the public interest. Any change in waste management plans portends changes in mission, which must be examined in the context of the SWEIS and related EIS activities.
- **High Explosives Wastewater Treatment Facility** - Should be included in the SWEIS. See arguments above for

justification of this recommendation.

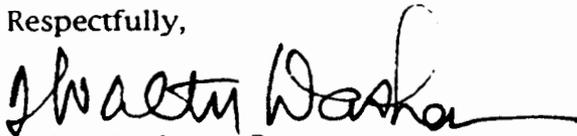
- **Mixed Waste Disposal Facility - See above for waste treatment. This should be in the SWEIS.**
- **National Biomedical Tracer Facility - Include SWEIS. The project probably has significant merit. The issue is how this project relates to other projects in Los Alamos and potential applications to other program areas, i.e., weapons.**
- **Laundry - Support DOE recommended action.**
- **Receipt and Storage of Nuclear Material for Criticality Experiment - This must be included in SWEIS. No action should be taken on any of these projects recommended for the EIS process and until the EIS's are completed. The same arguments presented above apply. What is the role of LANL now and in the future? How do various activities within the complex interrelate? What are the environmental problems and how does the Department propose to address these problems? The EIS is the legal vehicle for evaluating all activities and for giving the various public and stakeholder interests an opportunity to respond.**
- **Hazardous, Low Level Radioactive, and Mixed Waste Treatment Skids - SWEIS. This is a classic example of a project that presents serious concerns regarding potential adverse impacts. Moreover, the mission of LANL in waste treatment impacts upon the entire complex inasmuch as other facilities have identified LANL as the waste treatment option for their waste (Albuquerque Area Waste Management Plan and presentations by DOE and LANL officials). The issue waste treatment merits full public participation.**
- **Replacement Waste Compactor - The flag is a change from a 50-ton waste compactor to a 200-ton compactor. The question is, why? Is more waste going to be generated, from where, when, and how? Does the calculated capacity of this compactor relate to waste compacting needs from waste generated outside of LANL? What is the LANL waste management plan and how does it relate to LANL and DOE mission across the complex? This project also must be included in the SWEIS before it is implemented.**

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Where we have recommended inclusion of a project in the SWEIS, which is all but one project, we mean inclusion with no action taken before the SWEIS is completed. These projects are part of a larger set of issues about mission. The cumulative impacts on the environment, as defined in NEPA, are great regardless of mission. Therefore, we need to evaluate these projects in the context of total impact and how the Department proposes to mitigate and remediate these impacts.

We hope this information will provide some direction to the Department in finalizing the scoping.

Respectfully,



Walter Dasheno, Governor

cc: President Bill Clinton
Vice President Al Gore
Secretary Hazel O'Leary
New Mexico Congressional Delegation
Governor Bruce King
✓Secretary Judith Espinosa, NMEID
Dr. Sig Hecker, LANL
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Governors of the All Indian Pueblos Council