

General 7/10/78

EA



Department of Energy
Albuquerque Operations Office
Los Alamos Area Office
Los Alamos, New Mexico 87544

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NM ENVIRONMENT DEPARTMENT
OFFICE OF THE SECRETARY

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Steph -
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Dr. Ed Kelley, Director
Water and Waste Management Division
New Mexico Environment Department
1190 St. Francis Drive
P. O. Box 26110
Santa Fe, NM 87502

Dear Dr. Kelley:

The U. S. Department of Energy (DOE) is considering the undertaking of land conveyance and transfer actions required by Public Law 105-119 (copy enclosed), which was passed on November 26, 1997. Public Law 105-119 states:

“IN GENERAL- The Secretary of Energy shall--

- (1) convey, without consideration, to the Incorporated County of Los Alamos, New Mexico (in this section referred to as the 'County'), or to the designee of the County, fee title to the parcels of land that are allocated for conveyance to the County in the agreement under subsection (e); and
- (2) transfer to the Secretary of the Interior, in trust for the Pueblo of San Ildefonso (in this section referred to as the 'Pueblo'), administrative jurisdiction over the parcels that are allocated for transfer to the Secretary of the Interior in such agreement.”

Public Law 105-119 also establishes a separate but concurrent process by which the Secretary of Energy shall consider Environmental Restoration issues, as well as claims against or other impairments to the fee title to each parcel. These issues are not part of the analysis of environmental impacts. Public meetings will be held by DOE regarding these issues at later times to be established.

In accordance with DOE National Environmental Policy Act (NEPA) policy, I am notifying you that an Environmental Impact Statement (EIS) will be prepared for these conveyance and transfer actions. As part of the NEPA compliance process, DOE invites you to attend the public EIS scoping meetings that will be held at the following times and places:

| | | |
|---------------------|-------------------------------------|--|
| <u>May 19, 1998</u> | 2 p.m. - 5 p.m. and 6 p.m. - 8 p.m. | DOE Los Alamos Area Office 528 35 th Street Los Alamos, New Mexico |
| <u>May 20, 1998</u> | 2 p.m. - 5 p.m. and 6 p.m. - 8 p.m. | Double Tree Hotel 3347 Cerrillos Road Santa Fe, New Mexico |
| <u>May 21, 1998</u> | 2 p.m. - 5 p.m. and 6 p.m. - 8 p.m. | Northern New Mexico Community College 921 Paseo de Oñate Española, New Mexico |



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Each meeting will be identical in nature. The purpose of these meetings is to obtain ideas and information from the public that will help DOE in its analysis of alternative actions that reasonably meet DOE's requirement to act under the law, and the potential environmental impacts associated with future uses of the land tracts. Comments and ideas regarding the scope of the EIS may either be voiced at the meetings, or may be given to DOE in writing either at the meetings or later by writing to the above Los Alamos Area Office address (zip code 87544), to the attention of Elizabeth Withers, EIS Document Manager. We also have a toll free number (1-800-791-2280) that can be used to leave messages or to record comments. Electronic mail should be addressed to: ewithers@doe.lanl.gov

If you have any questions concerning the EIS or LAAO's NEPA program, please contact Ms. Withers at (505) 667-8690, or myself as Project Manager, at (505) 667-6146.

Sincerely,



E. Dennis Martinez
Acting Deputy Area Manager

LAAME:6EW-173

Enclosure

cc w/enclosure:

Gedi Cibas, Ph.D.

New Mexico Environment Department
1190 St. Francis Drive
P. O. Box 26110
Santa Fe, NM 87502

Steve Yanicak, Point of Contact

Oversight Bureau
New Mexico Environment Department
LANL, MS-J993

cc w/o enclosure:

E. D. Martinez, LAM, LAAO

E. Withers, LAAME, LAAO

Bob Hull, Tetra Tech, LAAO

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED
AGENCIES APPROPRIATIONS ACT, 1998

PUBLIC LAW 105-119—NOV. 26, 1997

111 STAT. 2523

under section 301 of the Small Business Investment Act of 1958
(15 U.S.C. 681).

SEC. 630. Section 332 of the Act making appropriations for
the Department of the Interior and related agencies for the fiscal
year ending September 30, 1998, and for other purposes, H.R.
2107 (105th Congress, 1st Session), is amended as follows—

Ante, p. 1600.

(1) after “October 1, 1997” strike “, or” and insert in lieu
thereof “; those national forests”; and

(2) after “court ordered to revise” strike “,” and insert in
lieu thereof “; and the White Mountain National Forest”.

SEC. 631. Section 512(b) of Public Law 105-61 is amended
by adding before the period: “unless the President announced his
intent to nominate the individual prior to November 30, 1997”.

Ante, p. 1305.

SEC. 632. (a) IN GENERAL.—The Secretary of Energy shall—

New Mexico.
42 USC 2391
note.

(1) convey, without consideration, to the Incorporated
County of Los Alamos, New Mexico (in this section referred
to as the “County”), or to the designee of the County, fee
title to the parcels of land that are allocated for conveyance
to the County in the agreement under subsection (e); and

(2) transfer to the Secretary of the Interior, in trust for
the Pueblo of San Ildefonso (in this section referred to as
the “Pueblo”), administrative jurisdiction over the parcels that
are allocated for transfer to the Secretary of the Interior in
such agreement.

(b) PRELIMINARY IDENTIFICATION OF PARCELS OF LAND FOR
CONVEYANCE OR TRANSFER.—(1) Not later than 90 days after the
date of enactment of this Act, the Secretary of Energy shall submit
to the congressional defense committees a report identifying the
parcels of land under the jurisdiction or administrative control
of the Secretary at or in the vicinity of Los Alamos National Laboratory
that are suitable for conveyance or transfer under this section.

Reports.

(2) A parcel is suitable for conveyance or transfer for purposes
of paragraph (1) if the parcel—

(A) is not required to meet the national security mission
of the Department of Energy or will not be required for that
purpose before the end of the 10-year period beginning on
the date of enactment of this Act;

(B) is likely to be conveyable or transferable, as the case
may be, under this section not later than the end of such
period; and

(C) is suitable for use for a purpose specified in sub-
section (h).

(c) REVIEW OF TITLE.—(1) Not later than one year after the
date of enactment of this Act, the Secretary shall submit to the
congressional defense committees a report setting forth the results
of a title search on each parcel of land identified as suitable for
conveyance or transfer under subsection (b), including an analysis
of any claims against or other impairments to the fee title to
each such parcel.

Reports.

(2) In the period beginning on the date of the completion
of the title search with respect to a parcel under paragraph (1)
and ending on the date of the submittal of the report under that
paragraph, the Secretary shall take appropriate actions to resolve
the claims against or other impairments, if any, to fee title that
are identified with respect to the parcel in the title search.

(d) ENVIRONMENTAL RESTORATION.—(1) Not later than 21 months after the date of enactment of this Act, the Secretary shall—

(A) identify the environmental restoration or remediation, if any, that is required with respect to each parcel of land identified under subsection (b) to which the United States has fee title;

(B) carry out any review of the environmental impact of the conveyance or transfer of each such parcel that is required under the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) submit to Congress a report setting forth the results of the activities under subparagraphs (A) and (B).

Reports.

(2) If the Secretary determines under paragraph (1) that a parcel described in paragraph (1)(A) requires environmental restoration or remediation, the Secretary shall, to the maximum extent practicable, complete the environmental restoration or remediation of the parcel not later than 10 years after the date of enactment of this Act.

(e) AGREEMENT FOR ALLOCATION OF PARCELS.—As soon as practicable after completing the review of titles to parcels of land under subsection (c), but not later than 90 days after the submittal of the report under subsection (d)(1)(C), the County and the Pueblo shall submit to the Secretary an agreement between the County and the Pueblo which allocates between the County and the Pueblo the parcels identified for conveyance or transfer under subsection (b).

(f) PLAN FOR CONVEYANCE AND TRANSFER.—(1) Not later than 90 days after the date of the submittal to the Secretary of Energy of the agreement under subsection (e), the Secretary shall submit to the congressional defense committees a plan for conveying or transferring parcels of land under this section in accordance with the allocation specified in the agreement.

(2) The plan under paragraph (1) shall provide for the completion of the conveyance or transfer of parcels under this section not later than 9 months after the date of the submittal of the plan under that paragraph.

(g) CONVEYANCE OR TRANSFER.—(1) Subject to paragraphs (2) and (3), the Secretary shall convey or transfer parcels of land in accordance with the allocation specified in the agreement submitted to the Secretary under subsection (e).

(2) In the case of a parcel allocated under the agreement that is not available for conveyance or transfer in accordance with the requirement in subsection (f)(2) by reason of its requirement to meet the national security mission of the Department, the Secretary shall convey or transfer the parcel, as the case may be, when the parcel is no longer required for that purpose.

(3)(A) In the case of a parcel allocated under the agreement that is not available for conveyance or transfer in accordance with such requirement by reason of requirements for environmental restoration or remediation, the Secretary shall convey or transfer the parcel, as the case may be, upon the completion of the environmental restoration or remediation that is required with respect to the parcel.

(B) If the Secretary determines that environmental restoration or remediation cannot reasonably be expected to be completed with respect to a parcel by the end of the 10-year period beginning

on the date of enactment of this Act, the Secretary shall not convey or transfer the parcel under this section.

(h) USE OF CONVEYED OR TRANSFERRED LAND.—The parcels of land conveyed or transferred under this section shall be used for historic, cultural, or environmental preservation purposes, economic diversification purposes, or community self-sufficiency purposes.

(i) TREATMENT OF CONVEYANCES AND TRANSFERS.—(1) The purpose of the conveyances and transfers under this section is to fulfill the obligations of the United States with respect to Los Alamos National Laboratory, New Mexico, under sections 91 and 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2391, 2394).

(2) Upon the completion of the conveyance or transfer of the parcels of land available for conveyance or transfer under this section, the Secretary shall make no further payments with respect to Los Alamos National Laboratory under section 91 or section 94 of the Atomic Energy Community Act of 1955.

(j) REPEAL OF SUPERSEDED PROVISION.—In the event of the enactment of the National Defense Authorization Act for Fiscal Year 1998 by reason of the approval of the President of the conference report to accompany the bill (H.R. 1119) of the 105th Congress, section 3165 of such Act is repealed.

SEC. 633. Effective only for losses beginning March 1, 1997 through the date of enactment of this Act, the Secretary of Agriculture may use up to \$6,000,000 from proceeds earned from the sale of grain in the disaster reserve established in the Agricultural Act of 1970 to implement a livestock indemnity program for losses from natural disasters pursuant to a Presidential or Secretarial declaration requested subsequent to enactment of Public Law 105-18 and prior to December 1, 1997, in a manner similar to catastrophic loss coverage available for other commodities under 7 U.S.C. 1508(b): *Provided*, That in administering a program described in the preceding sentence, the Secretary shall, to the extent practicable, utilize gross income and payment limitations conditions established for the Disaster Reserve Assistance Program for the 1996 crop year: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 634. During fiscal year 1998, from funds available to the Department of Defense, up to \$800,000 is available to the Department of Defense to compensate persons who have suffered documented commercial loss of cranberry crops in 1997 in the Mashpee or Falmouth bogs, located on the Quashnet and Coonamessett Rivers, respectively, as a result of the presence of ethylene dibromide (EDB) in or on cranberries from either of the plumes of EDB-contaminated groundwater known as "FS-28" and "FS-1" adjacent to the Massachusetts Military Reservation, Cape Cod, Massachusetts.

Ante, p. 2050.
Effective date.