

Los Alamos Study Group

January 18, 1994

Dr. Harry Otway
Director's Staff
Los Alamos National Laboratory
MS A103
Los Alamos, NM 87544

RE: Area G Information Request

Dear Harry:

Please find enclosed:

1) A copy of a Freedom of Information Act (FOIA) request sent to DOE Albuquerque today. The purpose of this request is to make sure we have, on the record, DOE's formal disclosure of all materials used in the preparation of the Environmental Assessment (EA) on the proposed expansion of Area G.

2) A draft FOIA request, not yet sent, for additional materials which would help us to better understand the issues involved in the proposed expansion.

As to the second request, not all of these materials are of equal relevance or importance, nor do we know if some of the studies in the mentioned subject areas exist. Accordingly, we would prefer to pursue the requested documents informally, through your auspices. It seems likely that this process could be an expedited one compared with the DOE FOIA response process and could save everyone work.

We hope to meet with DOE personnel, both local and from headquarters, and with LANL waste management staff regarding the Area G issue on January 28 at 10:00 AM at DOE/LAAO. Would you want to attend this meeting?

John Stroud is the person here who is collecting information about Area G. The person on your staff who gathers this information can contact him directly. Thank you for your cooperation. I look forward to hearing from you.

Sincerely,

Greg Mello

Greg Mello for the
Los Alamos Study Group

CC: Western States Legal Foundation
New Mexico Environmental Law Center

212 East Marcy Street #5, Santa Fe, New Mexico 87501; telephone 505-982-7747

~~240 Griffin Street, Santa Fe, New Mexico 87501; telephone~~



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Los Alamos Study Group

attachment to Harry Otway
letter 1-18-94

January 18, 1994

Ms. Gloria Inlow
Freedom of information Officer
Office of Intergovernmental and External Affairs
U.S. Department of Energy
P.O. Box 5400
Albuquerque NM 87185-5400

Dear Ms. Inlow:

This is a request under the Freedom of Information Act (FOIA), 5 U.S.C. Section 552, as amended.

I hereby request, on behalf the Los Alamos Study Group, the following:

- 1) Any and all studies, reports, and other documents containing considerations, evaluations or environmental, cost, or other comparisons of low-Level radioactive waste (LLW) disposal sites for Los Alamos National Laboratory (LANL) LLW, both on and off the LANL site.
- 2) Any and all studies, evaluations, comparisons, and modelings of the following with respect to TA-54, Area G, LANL, as existing and as including the proposed expansion:
 - A) Contamination of neighboring Indian and residential lands;
 - B) Effect on animal migration and habitats;
 - C) Contaminant migration on- and off-site due to wind erosion, liquid movement, stormwater runoff, and vapor transport;
 - D) Fires, intentional and otherwise, and the on- and off-site consequences of the same;
 - E) On- and off-site migration of tritium and organics;
 - F) Disposal area selection and performance criteria;
 - G) Chemical and radiation exposure data, both historical and projected, and known and projected health effects thereof, for Area G workers;
 - H) Accidents and incidents, both historical and projected, including breach of drum, breach of container, pit fire, earthquake, and other abnormal events;
 - I) Archaeological sites, artifacts, and finds, and the interpretation thereof;
 - J) Radionuclide decay projections for Area G and for individual pits and shafts therein.
- 3) Any and all studies, comparisons, or other data on the cost of off-site disposal of LLW from LANL, including data on packaging, shipping, and off-site fees.

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Environmental Assessment for Proposed Expansion of Area G

9.0 REFERENCES

- Coats 1984: D.W. Coats and R.W. Murray. "Natural Phenomena Hazards Modeling Project: Seismic Hazard Models for Department of Energy Sites." Lawrence Livermore National Laboratory report UCRL-535821 (1984), Rev. 1.
- DOE 1979: "Final Environmental Impact Statement: Los Alamos Scientific Laboratory Site, Los Alamos, New Mexico." U.S. Department of Energy report DOE/ELS0018 (1979).
- DOE 1981: "Environmental Protection, Safety, and Health Protection Information Reporting Requirements." U.S. Department of Energy Order 5484.1 (1981).
- DOE 1987: "Compliance with the National Environmental Policy Act (NEPA) Guidelines. Amendments to the DOE NEPA Guidelines." U.S. Department of Energy Notice, 52 F.R. 47662-47670 (1987).
- DOE 1988a: "Radioactive Waste Management." U.S. Department of Energy Order 5820.2A (1988).
- DOE 1988b: "General Environmental Protection Program." U.S. Department of Energy Order 5400.1 (1988).
- DOE 1988c: "Radiation Protection for Occupational Workers." U.S. Department of Energy Order 5480.11 (1988).
- DOE 1990: "Radiation Protection of the Public and the Environment." U.S. Department of Energy Order 5400.5 (1990).
- Elder 1986: J.C. Elder, J.M. Graf, J.M. Dewart, T.E. Buhl, W.J. Wenzel, L.J. Walker, and A.K. Stoker. "A Guide to Radiological Accident Considerations for the Siting and Design of DOE Nonreactor Nuclear Facilities." Los Alamos National Laboratory report LA-10294-MS (1986).
- EPA 1980: Letter from A. Harrison, Region VI Regional Administrator of the Environmental Protection Agency to K.R. Brazel, Area Manager, Department of Energy, Los Alamos Area Office (June 5, 1980).
- LANL 1987: "Hydrogeologic Assessment of Technical Area 54, Areas G and L, Los Alamos National Laboratory." Docket Number NMHTWA 001007 (1987).
- LANL 1990a: "Waste Minimization Plan." Los Alamos National Laboratory (1990).
- LANL 1990b: "Use of Fiberboard Boxes for Disposal of Low-Level Radioactive Waste at Los Alamos National Laboratory." Los Alamos National Laboratory information document provided to the Department of Energy, (1990).
- LANL 1990c: "Environmental Surveillance at Los Alamos During 1989." Los Alamos National Laboratory report LA-12000-ENV (1990).
- LANL 1990d: "Environmental Surveillance of Low-Level Radioactive Waste Management Areas at Los Alamos during 1987." Los Alamos National Laboratory, Lars F. Sohoit, compiler. (1990).
- LANL 1990e: "Los Alamos National Laboratory Site Development Plan-Technical Site Information." Facilities Engineering Division, Planning Group (ENG-2), Los Alamos National Laboratory, LA-CP-90-405 (1990).
- LANL 1991a: "Criteria For Distinguishing Radioactive And Non-Radioactive Wastes From Control Areas." memo from Juan Corpcion through Tom Gunderson to Distribution, Symbol EM-8-91-3, Los Alamos National Laboratory, (1991).
- LANL 1991b: "Low-Level Radioactive Solid Waste." Administrative Requirement 10-2 from the Environment, Safety, and Health Manual, Los Alamos National Laboratory (1991).

Environmental Assessment for Proposed Expansion of Area G

- LANL 1991c: "Waste Acceptance Criteria For Low-Level Radioactive Waste Disposal at TA-54, Area G." Waste Management Group (EM-7), Los Alamos National Laboratory, RAD-HSE7-AD-02, ROO (1991).
- Mayfield and Hansen 1983: D. Mayfield and W.R.. "Surface Reconnaissance through 1980 for Radioactivity at Radioactive Waste Disposal Area G at the Los Alamos National Laboratory", LA-9656-MS (1983).
- NRC 1983: "PRA Procedures Guide." U.S. Nuclear Regulatory Commission report NUREG/CR-2300 (1983), Vol. 2.
- NRC 1990: "Packaging and Transportation of Radioactive Material." U.S. Nuclear Regulatory Commission. Code of Federal Regulations, Title 10, Part 71 (1990).
- Purtyman 1987: D. Purtyman, R.J. Peters, T.E. Buhl, M.N. Maes, and F.H. Brown. "Background Concentrations of Radionuclides in Soils and River Sediments in Northern New Mexico, 1974-1986," LA-11134-MS. (1987).
- Purtyman 1990: W.F. Purtyman and J.A. Suazo. "Site Description and Activities at Technical Area 54, Area G, Los Alamos National Laboratory," (1990).
- Rodgers 1988: J.C. Rodgers. "Derivations of Dose Estimates from Drum Puncture Scenarios." Internal memo from J. Rodgers to J. Graf, April 27, 1988, Symbol HSE-1-JR-09, Los Alamos National Laboratory (1988)
- Wheeler 1977: M.L. Wheeler, J.W. Smith, and F.A. Gallegos. "A preliminary Evaluation of the Potential for Plutonium Release from Burial Grounds at Los Alamos Scientific Laboratory," Los Alamos Scientific Laboratory report LA-6694-MS (1977).

What We Really Want From the Area G Meeting, 1/25/94 Draft

I. Site-wide environmental impact analysis, integrated into programmatic decisions.

1. Present LANL activities and alternative scenarios for the future of the Laboratory must be evaluated by the NEPA process in a site-wide EIS without delay. This process would consider in detail the environmental and social impacts of alternative Laboratory missions.
2. Environmental and social analysis must be incorporated as an explicit part of the strategic planning process, in a structure with formal provision for community and Pueblo input.

II. A moratorium on waste management projects and the Mixed Waste Disposal Facility (MWDF) until a systematic site- and program-wide analysis is done.

1. There should be a halt to all new WM projects until the requisite site-wide and programmatic EISS are completed. Radioactive waste should be stored above-grade in inspectable containers in the meantime. EISS for individual projects, such as the MWDF, the proposed liquid waste treatment facility, and the controlled air incinerator, can then be tiered on the completed site-wide and programmatic EISS.
2. There should be no expansion of Area G until a site-wide EIS of the type described above is conducted and a high-quality, broadly-scoped EIS for radwaste management is done as well. No expansion should take place unless these studies point to no other available alternative. Otherwise, plans for expansion of Area G can be scrapped.
3. There should be a contractual prohibition against the importation of waste from other DOE sites, guaranteed in a treaty with San Ildefonso, an agreement with the State of New Mexico, and contracts with environmental groups.

III. Creation of a genuine environmental culture at LANL--the lack of which was cited by the Tiger Team as the root cause of all the inadequacies and compliance problems it found.

1. As the Lab's first priority, LANL should comply with all environmental, safety, and health laws and regulations--not just the ones with which it is convenient to comply. Offending activities should be discontinued until compliance is achieved.
2. To this end, the Secretary should bring in an outside person

or firm, who can hire a staff and work directly with the DOE in Washington, to draw up rapidly compliance plan that will bring LANL into compliance with environmental laws and DOE regulations. Such a person should have impeccable environmental credentials and, together with DOE Washington, have power to override the Laboratory Director when it comes to ES&H concerns.

IV. Policies must be implemented which acknowledge LANL as a transient trustee of our land and priceless cultural heritage, not as the permanent holder and consumer of it.

1. LANL, DOE, neighboring Pueblos, and other parties should make up a schedule for release of lands to San Ildefonso and to the public domain. These lands should be restored to residential quality.
2. LANL should halt destruction of Pueblo ruins anywhere on the Pajarito Plateau until a formal process is established which will involve Pueblo governments, the State and the wider public in decisions involving the preservation of these ruins.

V. Genuine--not fake--openness to the public and the press and timely access to information relevant to current policy decisions.

1. Detailed information about all activities, including weapons programs, must be made available so that the public can weigh the value of these activities relative to their costs (e.g. wastes, proliferation concerns, money).
2. Meaningful and timely implementation of the California Public Records Act and the Freedom of Information Act, together with new information policies that are based on democratic values, must be implemented by everyone at the lab.

VI. A variety of much-needed reforms in the management of waste at LANL should be immediately implemented.

1. Environmental restoration funds should not be used to increase the capacity of LANL to generate treat, store or dispose of new wastes.
2. Suspect LLW should be reduced immediately to the lowest practical level.
3. Aggressive waste minimization standards should be adopted which establish a firm schedule for waste reduction for each type of chemical, and especially, radioactive waste, which will trigger penalties to be paid to San Ildefonso Pueblo and the State, if compliance is not achieved.
4. LLW compaction should be implemented without delay, and the

waste fraction in the pits increased immediately.

5. LANL should design a cap for Area G, embracing the possibility of new waste tiers, and immediately commit to implement a secure capping strategy. At the same time, LANL should study other containment measures which will assure waste containment for as long as the waste remains toxic or radioactive.

6. Post-closure commitments for all waste depositories should be made for marking, maintenance, and monitoring the sites. DOE-endowed sinking funds should be established for external monitoring in perpetuity by the Pueblo of San Ildefonso and the State.

6. The environmental analysis required prior to expansion of current disposal facilities or the design of new ones cannot be done by simply referencing existing studies. Numerous reviewers, including the DOE Tiger Team, the State of New Mexico, and LANL's own consultants have concluded that the environmental knowledge base on which LANL's waste disposal proposals depend is inadequate. Additional studies in a number of disciplines should be completed before designing new disposal facilities, such as:

- hydrogeology (surface water, the vadose zone, and the saturated zones),
- ecology,
- geotechnical studies relating to long-term waste containment,
- air pollution from existing and planned sites,
- analyses of waste decay and transport,
- improved analysis of seismic hazards,

among others.

(Draft prepared by Greg, Mary, and John at LASG)

Los Alamos Study Group

January 17, 1994

Ms. Gloria Inlow
Freedom of information Officer
Office of Intergovernmental and External Affairs
U.S. Department of Energy
P.O. Box 5400
Albuquerque NM 87185-5400

Dear Ms. Inlow:

This is a request under the Freedom of Information Act (FOIA), 5 U.S.C. Section 552, as amended.

I hereby request, on behalf the Los Alamos Study Group, the following:

Any and all data, documents, studies, reports, and other materials relied on for preparation of the document known as "Environmental Assessment, Expansion of Area G, Los Alamos National Laboratory," revisions dated December 1991 and December 1992, and any later revisions thereof.

You need not supply the following documents, as they are already in our possession:

A) DOE 1979: "Final Environmental Impact Statement: Los Alamos Scientific Laboratory Site, Los Alamos, New Mexico," U.S. Department of Energy report DOE/EIS0018 (1979);

B) LANL 1987: "Hydrogeologic Assessment of Technical Area 54, Areas G and L, Los Alamos national Laboratory," Docket Number NMHWA 001007 (1987);

C) LANL 1992: "Operable Unit 1148 Data Report," AL/9-92/WP/LAN/OU1148, IT Corporation, prepared for Los Alamos National Laboratory, September 1992; and

D) LASL 1977: "History and Environmental Setting of LASL Near-Surface land Disposal Facilities for radioactive Wastes (Areas A, B, C, D, E, F, G, and T)," M.A. Rogers, LA-6848-MS, Vol.1, Los Alamos Scientific Laboratory, June 1977.

If you regard this information as exempt from required disclosure under the Act, I request that you exercise your discretion to disclose them nevertheless. If the documents include classified or otherwise restricted information and the volume of this material makes a lengthy declassification review necessary, I request the prompt release of all elements of the document portions marked 'Unclassified', 'For Official Use Only', or 'Declassified'. Additionally, I request that the remaining classified portions undergo a careful review for the purpose of declassification, in whole or in part, and that you release to me all reasonably segregable portions of the classified record, except those portions

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whose release would damage the national security.

I further request that you disclose these materials as they become available to you without waiting until all the documents have been assembled.

As you know, an agency cannot rely simply on the markings of a document to deny its release. In order that a document be withheld under Exemption 1 of FOIA, it must be reviewed and found to be properly classified pursuant to both procedural and substantive criteria found in the governing Executive Order, E.O. 12356. See Conf. Rep., H.R. Rep. No. 1380 (Freedom of Information Act Amendments), 93rd Cong., 2d Sess. 6 (1974); see also Lesar v. Department of Justice, 636 F.2d 472, 483 (D.C. Cir. 1980); Allen v. CIA, 636 F.2d 1287, 1291 (D.C. Cir. 1980). This requires an actual, substantive review of the materials and their classification markings. E.O. 12356, Section 3.4, Mandatory Review for declassification.

Should you elect to invoke an exemption to the FOIA, I will require in your full or partial denial letter sufficient information to appeal the denial. In accordance with the minimum requirements for administrative due process, this information should include:

1. Basic factual material including the originator, date, length, and addresses of the withheld items.
2. Explanations and justifications for denial, including the identification of the procedural category of E.O. 12356 under which the withheld document or portions of the document was found to be subject to classification, at what level the entire document was ultimately classified and the nature and variety of the document's portion-marking and, most importantly, explanations of how each exemption fits the withheld material.

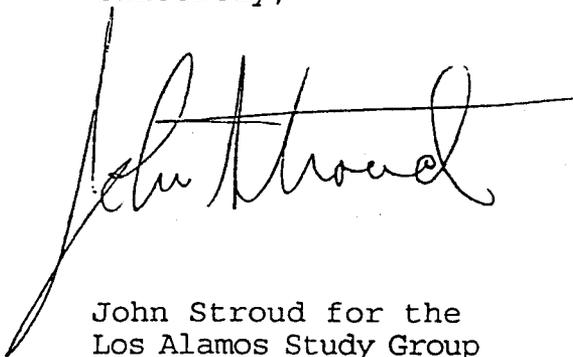
The Los Alamos Study Group (LASG) is a community-based, non-profit, tax-exempt, public policy research and information organization. The LASG makes information available to thousands of citizens by means of its publications, educational programs, and public-interest litigation. The information disclosed pursuant to this request will be made directly available to the public and others engaged in policy analysis and research, including historians, area specialists, and journalists.

The LASG is prepared to pay normal search and copying fees. However, the FOIA provides that you may waive fees if it "is the public interest because furnishing the information can be considered as primarily benefiting the public," 5 U.S.C. Section 552(a)(4)(A). Furthermore, 10 CFR 1004.9(a)(1)(i) states that fee waivers are most likely to be warranted when the records requested are for "a representative of a bona fide public interest group" and

that there is "current public interest in the subject matter to which the document pertains," and that the furnishing of the information can be considered "of benefit primarily to the public as opposed to the requester." This request clearly meets these requirements. Therefore, I request that you waive all fees in connection with this request. I further ask, in the event that fees are not waived, that you inform me of the specific basis for such a decision. I further request that you notify me if you expect fees to exceed \$30.00.

I appreciate your help in obtaining this information. Should you need further information concerning LASG or this request, I would appreciate you contacting me by phone at (505) 982-7747 in order to speed consideration of this matter. I look forward to hearing from you within ten working days, as the law stipulates.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Stroud". The signature is written in black ink and is positioned above the typed name and affiliation.

John Stroud for the
Los Alamos Study Group

cc: Western States Legal Foundation
New Mexico Environmental Law Center

- 4) Any and all studies, comparisons, or other data on above-ground disposal of LLW at Area G.
- 5) Any and all studies, comparisons, or other data, including memoranda or filings with government agencies, on closure and post-closure procedures for Area G.
- 6) Any and all studies, comparisons, designs, or other data on caps at Area G.
- 7) Any and all studies, comparisons, or other data on pit efficiencies and volume fractions.
- 8) Any and all studies, comparisons, or other data on past, present, and planned waste compactors, including cost and performance criteria and histories.
- 9) Any and all studies, comparisons, or other data on waste minimization needs, practices, and standards, including past, present, and planned DOE and LANL policies.
- 10) Any and all studies, comparisons, policies, directives, or other data on integrated waste management and disposal planning at LANL.
- 11) Those documents listed in the REFERENCES section (pages 33 and 34, copy attached) of the document "Environmental Assessment, Expansion of Area G," EA-90-004L, December 1991, Revision 1, together with all other reference materials listed in the said section of later revisions of this document. But excluding the two documents denoted on page 33 as 'DOE 1979' and 'LANL 1987' - these are already in our possession.

- If you regard this information as exempt from required disclosure under the Act, I request that you exercise your discretion to disclose them nevertheless. If the documents include classified or otherwise restricted information and the volume of this material makes a lengthy declassification review necessary, I request the prompt release of all elements of the document portions marked 'Unclassified', 'For Official Use Only', or 'Declassified'. Additionally, I request that the remaining classified portions undergo a careful review for the purpose of declassification, in whole or in part, and that you release to me all reasonably segregable portions of the classified record, except those portions whose release would damage the national security.

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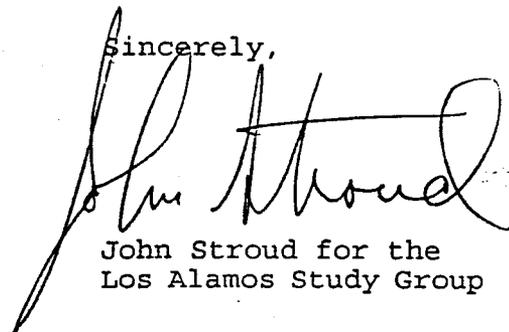
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Sincerely,



John Stroud for the
Los Alamos Study Group

cc: Western States Legal Foundation
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