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State of New Mexico
ENVIRONMENT DEPARTMENT
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January 3, 1997

Mat Johansen, LAAO AIP
Point of Contact
Department of Energy
Los Alamos Area Office
MS A316
Los Alamos, NM 87544

SUBJECT: Review comments concerning the Department of Energy's Predecisional Draft Environmental Assessment (EA) for the Transfer of the DP Road Tract to the County of Los Alamos, Los Alamos, New Mexico, November 15, 1996

Dear Mr. Johansen:

The following New Mexico Environment Department (NMED), Department of Energy Oversight Bureau (DOE OB) review comments were initially submitted to the DOE NEPA Section by Gedi Cibas through a letter that we submitted to him dated December 4, 1996. It should be noted that due to the short turn-around time required for review submittal and because the DOE OB responded during a public comment period, the referenced comments were never officially provided to the DOE LAAO POC. In order to keep all DOE OB correspondence consistent with the Site Specific Protocol currently being drafted, these comments are now being provided to you for completeness of interagency record keeping. The following comments convey the DOE OB's review of the referenced PEA. The following comments are provided for the purpose of communicating the results of the DOE OB review. These comments are not provided or intended for the purpose of representing the regulatory position of the New Mexico Environment Department.

1. Page 3, Section 1.2

Comment: No mention of the close proximity of MDA B to this land is mentioned. Due to this close proximity, the substantial amount of hazardous waste buried there and past problems associated with this MDA, more information about

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this site should be presented in order to get a better picture of the "entire area".

2. Page 11, Section 2.1.1, top of page

The presence of the buried radioactive waste line should be presented in more detail. This should include future status and a contingency plan should a leak or leaks develop in this line after this land transfer and future development. In addition, what is the true size of this waste line as 7.5 cm in not equal to 33 inches as stated.

3. Page 12, Section 2.1.2, first paragraph, last sentence

"Any environmental monitoring and protection on the DP Road tract, if necessary, would be the responsibility of the County."

Comment: It is not clear to the reader if the County would also be responsible for environmental monitoring of the DOE's easement containing the radioactive waste line that transects this tract. It is probably not good policy to leave the primary responsibility of monitoring DOE's radioactive waste line to the County. The DOE should maintain this function until the line is removed or state how it will assure the County that it will be responsible to the tracts future inhabitants by providing an early warning system in the event of an integrity problem with the radioactive waste line.

4. Page 22, Section 3.8, second paragraph

A dose of 0.4 mrem/yr cannot be measured directly from TLD chips. This must be a computer modeling estimate.

5. Page 23, Section 3.9, second paragraph

"Radioactive and nonradioactive air emissions are in

compliance with the Clean Air Act and the New Mexico Air Quality Control Act (LANL 1996)."

Comment: This statement is very misleading to any concerned public wanting to know the present status of the Laboratory's compliance with the Clean Air Act. In a civil

case filed on April 2, 1996, the DOE clearly admitted that LANL is out of compliance with the Clean Air Act and corresponding regulations: Concerned Citizens for Nuclear Safety, Inc, and Patrick Jerome Chavez, Plaintiffs, v. United States Department of Energy and Siegfried S. Hecker, Defendants.

In future EA and EIS documents, these kind of generalized statements should be better researched or put into a more refined context to where it does not appear that the DOE is trying to pull a fast one on the public.

6. Page 23-24, Section 3.1, last paragraph

Comment: Due to the large area of impermeable surfaces located near to this parcel of land and the close proximity of MDA B, the NMED feels that the discharge runoff volume stated is too low and contaminants from MDA B may be discharged onto the property by surface flow or by possible subsurface transport.

7. Page 32, Section 4.1.7

If 2699 pounds in ten years of CO equals 0.071 ppm (from table 4.1.7.1 - highest 8 hr ave.) then it follows that a ratio can be established using the CO release given in table 4.1.7.2.

$$\frac{183.423 \text{ lbs/yr}}{269.9 \text{ lbs/yr}} = \frac{x}{0.071 \text{ ppm}}$$

Therefore, $x=48.25$ ppm, which exceeds the NM Air Quality standards shown in table 4.1.7.1.

8. Page 50, Appendix B, last paragraph

Dose Conversion Factors are in units of rem/Ci, not rem/g as stated.

Comment: Concerning the accident scenario, if an earthquake strong enough to level buildings at DP site hits, the 2.97 predicted deaths (10-20 years later) will be of very minor concern compared to the casualties from the earthquake itself. But considering that this is a worst case scenario, it is highly unlikely to ever see a radiological health effect from this project and therefore there is no reason why this project should not be allowed to continue.

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If there are any questions concerning this matter please contact me
at 672-0448.

Sincerely,



Steve Yanicak, LANL POC
Department of Energy Oversight Bureau

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cc: John Parker, Chief, DOE OB
Elizabeth Withers, DOE LAAO, MS A316

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