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September 29, 2006

BY HAND DELIVERY

Elizabeth Withers, EIS Document Manager
Los Alamos Site Office
National Nuclear Security Administration
U. S. Department of Energy
528 35th Street
Los Alamos, NM 87544-2201

Re: Where Do the Children Play?
Comments by Concerned Citizens for Nuclear Safety and the Embudo
Valley Environmental Monitoring Group about the draft Site-Wide
Environmental Impact Statement for Continued Operation of Los Alamos
National Laboratory, DOE/EIS-0380D

Dear Ms. Withers:

Concerned Citizens for Nuclear Safety (CCNS) is a non-governmental organization that formed in 1988 to give a voice to citizen concerns about the transportation of nuclear waste from Los Alamos National Laboratory (LANL) to the Waste Isolation Pilot Plant (WIPP) through Santa Fe, New Mexico. Since the Cerro Grande Fire in May 2000, which burned over 7,700 acres of LANL property, CCNS has focused on the transport of radioactive, hazards and toxic contaminants from LANL to the Rio Grande, a future drinking water supply for Santa Fe and Albuquerque.

Embudo Valley Environmental Monitoring Group (EVEMG) is a non-governmental organization that formed in 2003 to address community concerns about the risks generated by the Cerro Grande Fire. As downwind neighbors to LANL, EVEMG focuses on air emissions generated by LANL activities and their relationship to public and environmental health and safety. EVEMG conducts independent citizen based air monitoring, soil and produce sampling throughout the Embudo watershed, which is the wind shed of LANL. We work to increase

awareness of LANL's weapons research and development, and to effect positive change as an out come of that greater awareness.

CCNS and EVEMG make the following general and specific comments about the draft Site-Wide Environmental Impact Statement for Continued Operation of Los Alamos National Laboratory (draft LANL SWEIS). DOE and the National Nuclear Security Administration (NNSA) have provided the public with a very limited time to review and provide comments about the draft LANL SWEIS. In our review, we found the draft LANL SWEIS to be misleading, inadequate, incomplete and technically indefensible.

Throughout the draft LANL SWEIS, DOE/NNSA consistently uses misleading information and technically indefensible data as a basis for analysis and relies on documents which have not been finalized to make conclusions in support of the Expanded Operations Alternative. DOE/NNSA has acted in an arbitrary and capricious manner by utilizing draft documents or not waiting to release a draft LANL SWEIS until such time as pending documents were available for public review and comment. We believe that the National Environmental Policy Act (NEPA) requires DOE/NNSA to withdraw the draft LANL SWEIS until such documents are available for public review and comment. Only after DOE/NNSA releases response to public comment on these documents, may a new draft LANL SWEIS be released for public comment.

Below is a summary of our justifications for the demand that DOE/NNSA withdraw the draft LANL SWEIS. We provide comments that discuss problematic chapters and sections in greater detail, describe errors we have found and include our suggestions. CCNS and EVEMG demand that our comments and concerns be incorporated into a new draft LANL SWEIS.

CCNS and EVEMG submit Exhibits to the text, as well as links to documents, within our comments. Exhibit 6 contains two multimedia CDs that express our convictions and concerns about the LANL mission. It is an official part of our comments and requires an in-kind response from DOE/NNSA.

Many people contributed technical and non-technical analysis for the comments submitted by CCNS and EVEMG. The contributors are the following:

Joni Arends, CCNS
Matt Bishop, Western Environmental Law Center
Sadaf Cameron, CCNS
Patricia A. D'Andrea, Rio Grande/Río Bravo Project
Robert H. Gilkeson, Registered Geologist
Don Hancock, Southwest Research and Information Center
John Hoffmann, CCNS

Sheri Kotowski, EVEMG
Leah McLeroy, CCNS Supporter
Kalliroi Matsakis, CCNS
George Rice, Independent Ground Water Hydrologist

These comments are being submitted as an addendum to our comments submitted on September 20, 2006. We understand that they will be considered to the same extent as if they were submitted on September 20, 2006. Please see Exhibit 7, your email to CCNS on September 20, 2006.

General CCNS and EVEMG Comments

Throughout the draft LANL SWEIS, DOE/NNSA consistently uses misleading, incomplete and inaccurate information and technically indefensible data as a basis for analysis and relied on documents which have not been finalized to make conclusions in support of the Expanded Operations Alternative, the Preferred Alternative. For these reasons, we demand that the current draft LANL SWEIS be withdrawn. DOE/NNSA must finalize draft reports, provide accurate information/data collection and a conduct a subsequent reanalysis of data, which must all be released to the public for comment and review. NNSA/DOE must provide responses to comments to the public. Only then may a new draft LANL SWEIS be released for public review and comment under NEPA. Below is a summary of our justifications for our demand.

Air Emissions:

- DOE/NNSA proposes to process 87,000 pounds of high explosives and up to 6,900 pounds of depleted uranium (DU) for dynamic experiments and studies annually in open air burning and explosions without proper, adequate and technically defensible monitoring.
- Further, the 1979 LANL Final Environmental Impact Statement estimates that 220,000 pounds of depleted uranium were used in dynamic experiments during the history of LANL. From 1979 to present we do not know how much DU and high explosives have been used in experiments and remains in the environment.
- DOE/NNSA is hiding under the “grandfather clause,” which allows for facilities existing before December 31, 1988 to emit toxic air pollutants without regulation. Many of these radioactive, toxic and hazardous air pollutants do not have any standards protective of human health and the environment.
- DOE/NNSA continues to use evaporation as a waste disposal method for tritium. DOE/NNSA must develop alternative, energy efficient technologies to handle tritium wastes other than a method which involuntarily exposes living beings.
- DOE/NNSA must evaluate increased air emissions due to increased power demand and car use by commuters.
- DOE/NNSA is not providing the best care for Bandelier National Monument, a Class 1 area under the Clean Air Act.

Waste:

- The draft LANL SWEIS does not make use of the transuranic waste numbers provided in the most recent regulatory document for the Waste Isolation Pilot Plant (WIPP). Therefore, DOE/NNSA overestimates the amount of transuranic waste that may be shipped to WIPP.
- The draft LANL SWEIS omits that there is no disposal path for the majority of the transuranic waste which would be generated by the Expanded Operations Alternative. p. 5-197

Ground and Surface Water:

- Data is Not Representative: LANL's own Well Screen Analysis Report (WSAR) reports describe the samples as being not representative.
- The Draft LANL SWEIS reveals the emerging presence of the radionuclide contaminants neptunium-237, plutonium-239, plutonium-240, and strontium-90 in the regional groundwater resource.
- The data tables in the draft LANL SWEIS document the presence of neptunium-237 in the drinking water of Los Alamos County at levels above the Environmental Protection Agency (EPA) Drinking Water Standard (DWS).
- The water quality data in the draft LANL SWEIS show that groundwater produced from "other springs" is contaminated with strontium-90 at a level more than 13 times greater than the EPA DWS.
- Hexavalent chromium contamination is present in the regional aquifer at concentrations greater than four times than the EPA DWS.
- The draft LANL SWEIS does not make use of the most recent regulatory surface water standards or list of impaired streams.

Environmental Justice:

- The incorrect definition of "low income" was used in the Environmental Justice analysis.
- No scoping was done within the effected communities regarding the impacts to sacred sites or land use. Furthermore, the scoping done following the signing of the New Mexico Environmental Justice Executive Order 2005-56 was not used or referenced.
- Environmental Justice was omitted from the cumulative impact analysis of Chapter 5, section 5.13.
- The public comment hearings were scheduled during the Pueblo feast days.
- Tribes who use the area for ritual practices were not included in the draft LANL SWEIS analysis.

Cumulative Impacts:

- Not all communities within the limited 50-mile radius were contacted regarding the cumulative impact analysis. Furthermore, it appears that once contacted, no follow up was done.

- DOE/NNSA provided no justification for the 50-mile radius analysis. Given that LANL and Sandia National Laboratories are located within 60 miles of each other, DOE/NNSA must provide a technically defensible analysis of what other nuclear sites are not included in the draft LANL SWEIS analysis.
- Repeated references are made to a “modern pit facility” within the cumulative impacts analysis. DOE/NNSA must make no reference to this facility without proper analysis and upfront statement of intention as a primary discriminator on the Cover Sheet

LANL’s Area of Influence: DOE/NNSA has limited the impacted area to a 50-mile radius around LANL in an arbitrary and capricious manner.

- We know from the smoke plume resulting from the Cerro Grande Fire that the area of influence extends beyond a 50-mile radius. There is no technically defensible scientific explanation for this choice and it appears to be only a convenient round number.
- If the impacted area were increased to a 60-mile radius around LANL, then Albuquerque, which has a population of nearly half a million, would be included in the area of influence.
- Considering the close proximity of LANL and Sandia National Laboratories, the 50-mile radius does not account for the individual and cumulative impacts of these facilities. The designation must be increased in order to analyze the impacts of the programmatic effects of both national laboratories and other nuclear facilities, including uranium mines.
- Technically defensible scientific analysis must be done to define the area of influence of the two national laboratories in New Mexico.

Documents Still Not Available or Finalized:

- **Draft Agency for Toxic Substances and Disease Registry Public Health Assessment.** The draft LANL SWEIS relies on conclusions made in the draft Agency for Toxic Substances and Disease Registry (ATSDR) Public Health Assessment which was released for public comment last summer. In comments about the draft assessment, the EPA stated, “ATSDR may have been overly conservative in their risk assessment approach and makes a blanket statement that there is no problem. ATSDR should redo their risk assessment to reduce conservatism and not assume that there is no risk.” Exhibit 17.1.
- **Safety Analysis for Area G** has not been completed. The last analysis was completed in 1997, almost a decade ago. Given that one of the greatest accident scenarios in the draft LANL SWEIS involves waste at Area G, the Safety Analysis must be released for public comment and review prior to DOE/NNSA releasing a new draft LANL SWEIS.

- **The Report in Preparation by the LANL Seismic Hazards Geology Team.** The draft LANL SWEIS states that the seismic hazard report will be released in the fall 2006. In the 1999 SWEIS, DOE predicted 45,000 years between seismic events. However, based on new fieldwork, the draft LANL SWEIS states that this number has been reduced to 2,000 years between events. The draft LANL SWEIS must be withdrawn until this report is released to the public for review and comment before a new draft LANL SWEIS is prepared and released to the public for review under NEPA.

Legitimate “No Action Alternative”:

- CCNS and EVEMG request that a legitimate “No Action Alternative” be included in the reanalysis of the draft LANL SWEIS. Such an alternative would seriously consider ceasing active nuclear weapons operations at LANL and begin cleanup of the 63-year toxic legacy.
- CCNS and EVEMG ask for the inclusion of a “Greener Alternative,” which focuses on sustainable operations and environmentally just practices at LANL. We were among many groups who requested these alternatives during the scoping session.
- CCNS and EVEMG object to the statement that the “NNSA is not evaluating a similar alternative in this [2006] SWEIS because, as stated in the 1999 SWEIS...a Greener Alternative would not support the nuclear weapons mission assigned to LANL.” It is revealing that DOE/NNSA and LANL emphasize nuclear weapons manufacturing over protecting the environment. CCNS and EVEMG believe that DOE/NNSA must seriously consider a mission for LANL that focuses on life-affirming research and the development for renewable non-nuclear energy, such as solar, wind and biomass, and clean-up technologies that support environmental and public health. Please see Exhibit 12.
- Global warming and climate change issues are of paramount importance and must be addressed with the same critical fervor as developing nuclear weapons from 1943 to 1945.

Nuclear Non Proliferation Treaty (NPT):

- Article 6(c) of the NPT states “[T]he determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goals of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control.” The Expanded Operations Alternative, the Preferred Alternative, presented in the draft LANL SWEIS calling for increased plutonium pit production violates the spirit of the NPT. DOE/NNSA must outline in the new draft LANL SWEIS exactly how a proposal to increase plutonium pit production for refurbishment of our

nuclear stockpile honors our commitment under the NPT and is in accord with international efforts for disarmament.

Cover Sheet

p. iii. Cover Sheet. DOE/NNSA lists the primary discriminators between the alternatives. The list, however, does not include two primary discriminators, which are increased nuclear bomb production from 20 to 80 plutonium pits per year and construction and operation of a modern pit facility (MPF), capable of producing 450 plutonium pits per year. If DOE/NNSA does not remove all reference to a MPF, please include these two primary discriminators in the list in the new draft LANL SWEIS. CCNS, EVEMG and the City of Santa Fe object to expanded plutonium pit production, see Exhibit 10.

Chapter 1. Introduction and Purpose and Need for Agency Action

p. 1-5. LANL Support of NNSA Missions. CCNS and EVEMG object to plans for the consolidation of the nuclear weapons complex at LANL. In this section, DOE/NNSA examines the impacts from proposed actions from 2007 through 2011 while indicating that “uncertainty remains about the future work NNSA will assign to LANL to support NNSA missions.” pp. 1-5, 1-11. CCNS and EVEMG are concerned that beginning new construction projects at LANL, at huge taxpayer expense, without the latest probabilistic seismic hazard calculation for LANL is absurd. As reported on p. 4-25, the LANL Seismic Hazards Geology Team will complete its seismic report and the re-calculation of the probabilistic seismic hazard in the fourth quarter of 2006. The draft LANL SWEIS must be withdrawn until such time as the draft seismic report and re-calculation are released for public review and comment. DOE/NNSA must respond to all comments before the document is finalized. Only then may DOE/NNSA use the re-calculation for analysis in the new draft LANL SWEIS.

CCNS and EVEMG note that LANL performs “advanced and nuclear materials research and development.” p.1-5. Such research and development creates radioactive, hazardous and toxic materials that have no regulatory standards for air emissions, discharges to surface and ground water, nor waste treatment, storage and disposal. The draft LANL SWEIS compares LANL emissions, discharges and waste activities to known standards. Those materials, which do not have standards, are not monitored. Further, EPA is generally more than a decade behind in developing regulations for materials that are used in everyday life, let alone research and development activities. DOE/NNSA must include a calculation for the impacts on human health and the environment from these research and development materials and activities in the reanalysis for a new draft LANL SWEIS. This calculation must be included in the new cumulative impact analysis.

p. 1-6. LANL Support of NNSA Missions. The draft LANL SWEIS states “nuclear weapons pit production work takes place at LANL on a limited scale.” p. 1-6. The new draft LANL SWEIS must define “limited scale.” Since the shutdown of Rocky Flats in 1989, it is known that LANL is the only location within the DOE/NNSA complex where nuclear weapons pit production takes place. The draft LANL SWEIS includes a cumulative impact analysis for a modern pit facility, capable of manufacturing 450 plutonium pits per year. DOE/NNSA must remove all references to a MPF from the LANL SWEIS. In the Alternative, DOE/NNSA must explain the impacts of a modern pit facility at LANL in the individual sections of the SWEIS as well.

DOE/NNSA must explain in detail how the Los Alamos National Security, LLC (LANS) is allowed “some flexibility to perform cost-reimbursable

work for other entities” in the new draft LANL SWEIS. p. 1-6. Please explain how LANS reimburses taxpayers for use of taxpayer-funded facilities, equipment, staff and overhead at LANL.

p. 1-7. Figure 1-1. Location of LANL Site. All maps and figures in the new draft LANL SWEIS must include the full length of the Rio Grande for the mapped areas. It is unrealistic and misleading to include only the Rio Grande below TA-33 and TA-70, as demonstrated in Figure 1-1. Furthermore, the new draft LANL SWEIS must include a map in this section that depicts the Rio Grande from its headwaters in Colorado to where it empties out into the Gulf of Mexico. The map must include acequias and communities along the Rio Grande that rely on the river for such purposes as recreation, irrigation, drinking, etc. from Colorado through New Mexico and into Mexico. The new draft LANL SWEIS must examine implications of LANL activities on environmental and human health for the entire length of the river. The Rio Grande is unique in the way that it crosses international borders. DOE/NNSA must analyze the potential risk for contamination to cross from the United States into Mexico in the reanalysis for a new draft LANL SWEIS.

p. 1-8. Section 1.1. Background. DOE/NNSA must provide an information box, similar to the Nuclear Facility Hazard Categorization on p. 1-10, with descriptions for Security Category I, II, III and IV and Hazard Category 1, 2 and 3. The information box on p. 1-13 describes the Security Categories, but it is titled “Special Nuclear Material Safeguards and Security.” Please explain the difference between Security Categories, Hazard Categories and Nuclear Facility Hazard Categorizations in one place within the final LANL SWEIS. Please see Environmental Justice comments below regarding the need for clarity in documents provided to the public.

p. 1-11. Section 1.2. Purpose and Need for Agency Action. DOE/NNSA must cite the source that allows for the “nonnuclear aboveground experimentation” in the new draft LANL SWEIS. Further, DOE/NNSA must define the term “nonnuclear aboveground experimentation” in the new draft LANL SWEIS.

p. 1-12. Section 1.3. Scope and Alternatives in this New SWEIS for LANL Operations. DOE/NNSA must explain why “NNSA is not legally obligated to include the Consent Order impacts analysis” in the new draft LANL SWEIS. Fn. 6, p. 1-17. CCNS and EVEMG consider the environmental impacts of cleanup under the Consent Order a “major federal action” which requires NEPA analysis.

Further, it is unclear why the activities and potential impacts under the Consent Order are only included in the Expanded Operations Alternatives. DOE/NNSA is proposing a Faustian bargain with the people of Northern New

Mexico by implying that increased plutonium pit production must go hand in hand with cleanup under the Consent Order.

It may be necessary to correct the deadline for the transfer of additional land by the end of 2007 as required by Public Law 105-119. In late June 2006, the U.S. Senate approved an extension of time for the land transfer as part of the 2007 Defense Authorization Bill.

p. 1-15. Section 1.3.2. Reduced Operations Alternative. CCNS and EVEMG support discontinuing all accelerator operations at TA-53 Los Alamos Neutron Science Center (LANSCE). When LANSCE is operating, over 90% of the off-site radiation dose is emitted from the facility. In order to protect public health and the environment, CCNS and EVEMG support placing LANSCE in indefinite safe shutdown mode under all Alternatives.

Further, as stated in the DOE Inspector General (IG) Audit Report on LANSCE, there is a newer facility at Oak Ridge National Laboratory. <http://www.ig.energy.gov/documents/CalenderYear2004/ig-0666.pdf>. The new facility makes LANSCE obsolete. Please include the DOE IG Audit Report in the new draft LANL SWEIS analysis.

CCNS and EVEMG support reducing the High Explosives Processing Facilities operations at TA-8, 9, 11, 16, 22 and 37 by 20% from the No Action Alternative level of operation.

CCNS and EVEMG support reducing the High Explosive Testing Facilities operations conducted at TA-14, 15, 36, 39 and 40 by 20% from the No Action Alternative level of operation.

CCNS and EVEMG support eliminating all dynamic experiments using plutonium at the Dual Axis Radiographic Hydrodynamic Test (DARHT) Facility. Please see the video of the September 6, 2006 RRW Hydro test that LANL recently posted on its website:

http://www.lanl.gov/news/newsbulletin/QuickTimes/rrw_darht_2.mov.

There is no containment of the dynamic experiments. There is no justification for dispersing depleted uranium (DU) into the environment. Through the dynamic experiments, the DU is split into smaller pieces, distributed through the air, can enter the bodies of living beings, be deposited on the soil where it can travel through surface water to the Río Grande, a future source of drinking water for Santa Fe and Albuquerque, or migrate toward groundwater on the Pajarito Plateau, the sole source of drinking water for the residents of Los Alamos County.

CCNS and EVEMG support discontinuing all TA-18 Pajarito Site operations and placing the facility into indefinite safe shutdown mode. Given the number of safety and security issues surrounding TA-18 and the materials currently stored there, CCNS and EVEMG support discontinuing all operations at TA-18. CCNS and EVEMG support relocating all Security Category III and IV materials, along with the Solution High-Energy Burst Assembly (SHEBA).

p. 1-15 Section 1.3.3. Expanded Operations Alternative. It is disingenuous and misleading for DOE/NNSA to not explicitly state that “a modern pit facility” is included in the analysis in the draft LANL SWEIS. See comments about the Cover Sheet.

The draft LANL SWEIS is actually proposing a production rate of 530 pits [80 (expanded operations alternative) plus 450 (a modern pit facility)] per year. DOE/NNSA states that “although NNSA has proposed a new pit manufacturing facility in order to meet the long-term requirements for maintaining the anticipated nuclear weapons stockpile, NNSA has not completed [the Modern Pit Facility] EIS and therefore has not made a decision whether it would build such a facility, and, if such a facility were built, where it would be located, the size and type of facility that would be built, or its production level.” The draft Modern Pit Facility (MPF) EIS proposes a manufacturing facility capable of producing 450 plutonium pits per year. Further, the MPF is referenced over 60 times in the draft LANL SWEIS. CCNS and EVEMG believe that DOE/NNSA will write Record of Decision(s) (ROD) giving itself authority to construct and operate the MPF at LANL, without proper analysis.

Further, DOE/NNSA has done an analysis of the cumulative impacts for both the Expanded Operations Alternative and a modern pit facility, a capacity to manufacture 530 pits per year.

It is unclear why a high annual production rate of 80 pits per year is needed in order to produce 50 certified pits each year. Especially as the draft LANL SWEIS states, “NNSA does not believe it would need to produce 80 pits per year is needed in order to obtain 50 certified pits.” p. 1-16. If we were grading the DOE/NNSA proposal to produce 80 pits per year in order to obtain 50, they would receive a “D-” for a 62.5% performance. However, given the lackadaisical production in the past, it is difficult to fathom how DOE/NNSA would actually produce 50 certified pits per year.

DOE/NNSA must explain in the final LANL SWEIS how “NNSA expects to attain [20 pits per year] production level in 2007.” p. 1-16. Please give include information regarding the current pit production level in the new draft LANL SWEIS.

p. 1-17. Three types of new projects under the Expanded Operations Alternative that are addressed in this SWEIS. It is unclear why TA-18 is listed under the first type of proposed projects for new construction and operation of certain Security Category III and IV operations and, at the same time, listed under the second type for Decontamination, Decommission, and Demolition (DD&D). Please explain in the new draft LANL SWEIS how this can be so.

p. 1-18. Projects Associated with New Infrastructure or Levels of Operation. CCNS and EVEMG are very concerned about the further concentration of sealed sources as waste at LANL, including radioisotope thermoelectric generators (RTG). We are also concerned about the DOE/NNSA proposal to allow both actinide and nonactinide sealed sources to be stored indefinitely at LANL.

These proposals raise several serious concerns, which have not been adequately addressed in the draft LANL SWEIS. DOE/NNSA must not be allowed to bring additional waste to LANL before addressing the above-ground storage of 40,000 drums of transuranic waste at TA-54, Area G in fabric tents.

Further, included in the 40,000 drums are 2,000 high activity drums of transuranic waste as well as countless drums that have no disposal pathway. Further, DOE/NNSA has not properly handled the 2,000 high activity drums which were given a code name of the "Quick to WIPP" drums. Following the Cerro Grande fire, DOE/NNSA made promises to the surrounding communities that they would remove the 2,000 high activity drums to the Waste Isolation Pilot Plant (WIPP). However, due to waste characterization problems as well as the shipment of low-level waste to WIPP, the number of "Quick to WIPP" drums on the Pajarito Plateau remains basically the same.

DOE/NNSA also made representations following the Cerro Grande fire that they would build hardened, on-site storage (HOSS) facilities for the 40,000 drums. At the same time, DOE/NNSA expressed their optimism and ability to remove the drums from TA-54 prior to the time any NEPA documents were prepared to build HOSS facilities, let alone constructing the facilities. Now, more than a half a decade later, the drums are still sitting in fabric tents on the end of the mesa top, very near to the White Rock community and even closer to the proposed low-income housing units along State Road 4.

p. 1-22. DOE/NNSA must explain in the final LANL SWEIS the impact of disposal of Greater-Than-Class-C waste will have at LANL, including the sealed sources and transuranic waste.

Section 1.3.4. Preferred Alternative. DOE/NNSA explain that given the "uncertainty regarding the nuclear weapons missions that will be assigned to LANL in the future, NNSA might issue two or more Records of Decision (RODs)

to implement its decisions.” DOE/NNSA must explain the uncertainties in more detail in the final LANL SWEIS. From our perspective, the uncertainties may allow for one or more of the RODs to provide for the construction and operation of a Modern Pit Facility at LANL, manufacturing 450 plutonium pits per year.

DOE/NNSA must explain why closure of the Los Alamos County Landfill should be the subject of the first proposed RODs in the final LANL SWEIS. Please also explain the relationship between DOE/NNSA and Los Alamos County concerning the Landfill. DOE/NNSA must also explain the basis for monitor around the landfill site and down-canyon from the site. p. 1-25.

Section 1.4. NNSA Decisions To Be Supported by the SWEIS.

p. 1-24. DOE/NNSA must spell out in the RODs what decisions the NNSA Administrator is making regarding operations at LANL. There must not be any “de facto” decisions to implement any Alternative. DOE/NNSA must state affirmatively or negatively their plans with regard to specific LANL activities or projects at separate facilities described in the draft LANL SWEIS. Action other than what is suggested will lead to confusion, wasted time and continued ill-will between LANL and surrounding communities.

p. 1-25. CCNS and EVEMG remain concerned that when the public asks DOE/NNSA to estimate the cost of various remediation options and contrast those to the long-term monitoring costs, the federal agency claims that it is not possible. Other federal agencies provide such information to the public. DOE/NNSA at LANL must provide such cost estimates in order that the public be as informed as possible in providing comments to the New Mexico Environment Department about remediation decisions, as well as DOE/NNSA/LANS.

p. 1-26. Section 1.5. Relationship to Other DOE NEPA Documents and Information Sources. CCNS and EVEMG request that the dates for the various documents were finalized be included in the new draft LANL SWEIS.

p. 1-32. Consideration of Future Projects and Emerging Actions Affecting LANL. It is disingenuous of DOE/NNSA to state that a decision on a MPF at LANL would not be expected to “prejudice the decisions to be made based on this SWEIS.” Is LANL the only DOE site of the five proposed sites for construction and operation of a MPF which is conducting a SWEIS public process which includes analysis of a MPF in the cumulative impacts? This fact would clearly prejudice any decisions made on the basis of the draft LANL SWEIS.

p. 1-35. Summary of Major Scoping Comments and NNSA Responses. Further, DOE/NNSA states that “a decision on the construction or location of a

modern pit facility has not been made by NNSA; however, the potential impacts of such a facility being constructed and operated at LANL are addressed as part of the cumulative impacts in Chapter 5, Section 5.13.” This implies that the analysis done in the cumulative effects could be used for the basis of a ROD, CCNS and EVEMG oppose any construction of an MPF and state that DOE/NNSA must remove all mention of a MPF from the new draft LANL SWEIS.

Furthermore, CCNS requested that no mention be made of the MPF in our scoping comments for a supplemental LANL SWEIS. Our request must be incorporated into the new draft LANL SWEIS.

p. 1-33. Section 1.6. Public Involvement. CCNS and EVEMG question whether DOE/NNSA has followed proper procedural rules under the National Environmental Policy Act (NEPA) for the release of the draft LANL SWEIS for public comment. Specifically, DOE/NNSA published a Notice of Intent (NOI) to prepare a Supplemental SWEIS in the Federal Register on January 5, 2005. 70 FR 807. However, it does not appear that DOE/NNSA issued a *new* NOI to prepare the draft LANL SWEIS, nor published it in the Federal Register, nor held new public scoping meetings. DOE/NNSA must issue a new NOI and hold new public scoping meetings before issuing the new draft LANL SWEIS.

p. 1-37. DOE/NNSA must explain how the draft LANL SWEIS addresses the public scoping comment about the effects of the 1999 SWEIS accident scenarios or new accident scenarios that have been reduced or mitigated as a result of the \$345 million given to LANL by Congress following the Cerro Grande Fire.

DOE/NNSA must provide a table in the final draft SWEIS to demonstrate that “extending the region of influence out to 100 miles (160 kilometers) would change the calculated results only a few percent for the accidents with the highest potential for widespread impacts.” We suggest showing the impacts at 50 miles (80 kilometers), 100 miles (160 kilometers) and 150 miles (240 kilometers). However, the final determination of the region of influence must be based on technical sound science.

Further, DOE/NNSA must provide a table in the final draft SWEIS to demonstrate that the results of the potential impacts to a maximally exposed individual (MEI) near the site boundary “do not indicate the need to evaluate impacts beyond a distance of 50 miles (80 kilometers).” We suggest showing the impacts at 50 miles (80 kilometers), 100 miles (160 kilometers) and 150 miles (240 kilometers).

p. 1-38. Please explain in more detail why the reports and recommendations made by the DOE Inspector General and the Defense Nuclear Facilities Safety

Board are not incorporated into the draft LANL SWEIS. DOE/NNSA must incorporate these recommendations into the new draft LANL SWEIS.

p. 1-41. Section 1.7. Content of this New SWEIS. CCNS and EVEMG suggest that everyone who comments on the draft LANL SWEIS be put on a mailing list to receive the annual LANL SWEIS Yearbook. Please include those who attended the public comment hearings on this mailing list.

Chapter 2. LANL Activities and Facilities Update

p. 2-11. Section 2.2.6. Environmental Restoration Project. CCNS and EVEMG request that DOE/NNSA include a list of the 100 potential release sites of the Environmental Restoration Project at “increased risk of contaminant release and transport either through direct burning or through vulnerability to increased surface water runoff or erosion,” along with the controls that have been installed, times of inspection and maintenance as part of the LANL Storm Water Program.

p. 2-23. Table 2-3. LANL Key and Nuclear Facilities - 1999 SWEIS and 2005 Listing. What is the basis for increasing the Nuclear Hazard Category from nothing to Category 2 for the Radioactive Liquid Waste Treatment Facility (TA-50) for the Low-Level Waste Tank Farm, Acid and Caustic Tank Farm and Holding Tank?