CCNS and EVEMG Comments Regarding
Chapter 5. Environmental Consequences
Section 13. Cumulative Impacts
of the draft LANL SWEIS

The cumulative impacts analysis in the draft LANL SWEIS is inadequate and misleading. Cumulative impacts are "the impacts on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions." 40 C.F.R. § 1508.7. Cumulative impacts can result from "individually minor but collectively significant actions taking place over a period of time." Id.; see also Attach No. ** (Council on Environmental Quality (CEQ) "Considering Cumulative Effects Under the National Environmental Policy Act" (January 1997)). Properly analyzing cumulative effects includes: (1) identifying the significant cumulative effects issues associated with the proposed action; (2) establishing the proper geographic scope for the analysis; (3) establishing an appropriate time frame for the analysis; and (4) identifying other actions affecting the resources, ecosystems, and/or human communities of concern. Under NEPA, it is not enough to simply list other actions cumulatively affecting the resources at issue – an actual analysis of the cumulative impacts is required. Here, the draft LANL SWEIS fails to properly address cumulative impacts in a number of significant respects, including the omission of environmental justice impacts.

The Draft LANL SWEIS Needs to Consider the Impacts of All Authorized Activities in Conjunction with Other Federal, State, and Private Activities Taking Place in the Region. According to the CEQ, the "most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time.". The requirement to consider cumulative impacts, therefore, is designed to avoid the "combination of individually minor" effects situation – to avoid the "tyranny of small decisions" or "death by a thousand cuts" scenario. See e.g., Grand Canyon Trust v. FAA, 290 F.3d 339, 346 (D.C. Cir. 2002); Save the Yaak Comm. v. Block, 840 F.2d 714, 721 (9th Cir.1988) (Agency cannot consider environmental impacts of logging in isolation but must address cumulative effects of past and reasonably foreseeable logging in watershed); Neighbors of Cuddy Mountain v. U.S. Forest Service, 137 F.3d 1372 (9 Cir. 1998) (Agency must address impacts of future timber sales); Blue Mountains Biodiversity Project v. Blackwood, 161 F.3d 1208 (9th Cir. 1998) (impacts of project must be viewed in conjunction with other past, present and reasonably foreseeable future actions); Sierra Club v. U.S. Forest Service, 46 F.3d 835 (S.D. 1991) (EA must recognize impacts of activities reasonably expected to occur on private lands); Resources Ltd., Inc., v. Robertson, 35 F.3d 1300 (9 Cir.1993) (cumulative impacts from non-Federal actions need to be analyzed by the Agency).

By way of example, DOE/NNSA must consider the synergistic impact of the location of two of the nation's nuclear weapons laboratories located within 60-miles of one another in New Mexico. DOE/NNSA has not made the case to exclude analysis of the impacts of Sandia National Laboratory in the draft LANL SWEIS. The only way to do this is to expand the geographic scope of the DOE/NNSA's cumulative impacts analysis to encompass the range of impacts from the two laboratories. Further, DOE/NNSA must conduct a realistic evaluation of the impacts to determine the geographic scope of those impacts in the new draft LANL SWEIS. Please see additional comments below.

Collectively, the impacts of all of these and other activities – whether conducted by private individuals, state agencies, or other federal agencies – may be significant and must be analyzed. See e.g., Grand Canyon Trust, 290 F.3d at 346 (discussing collective impacts to Zion National Park); NRDC v. Hodel, 865 F.2d 288 (D.C.Cir. 1988) (discussing collective impacts to migratory whales). As the D.C. Circuit Court noted, Federal agencies must "give a realistic evaluation of the total impacts [of the action] and cannot isolate the proposed project, viewing it in a vacuum." Grand Canyon Trust, 290 F.3d at 342. Even "a slight increase in adverse conditions . . . may sometimes threaten harm that is significant. One more factory . . . may represent the straw that breaks the back of the environmental camel." 290 F.3d at 343 (quoting Hanly v. Kleindienst, 471 F.2d 823 (2nd Cir. 1972)). It is imperative that the DOE/NNSA avoid the death by a thousand cuts scenario and take a hard look at the big picture impacts of its decision. The only way to do this is by engaging in a proper cumulative impacts analysis as required by NEPA.

Environmental Justice There is no mention of Environmental Justice in the cumulative impact analysis of Chapter 5. Section 5.13. Section 3-301 (b) of Executive Order 12898 states, "Environmental human health analysis . . . shall identify multiple and cumulative exposures." Land resources, geology and soils, water resources, air quality and noise, ecological resources, human health, cultural resources, infrastructure, waste management and transportation were all analyzed, and the analysis of each was subsequently summarized as a part of the cumulative impacts section, but not environmental justice. What was the basis of the decision making process to omit Environmental Justice from the Cumulative Impact analysis?

The decision to omit Environmental Justice from the cumulative impact analysis is particularly appalling because Environmental Justice is an issue to which cumulative impacts are particularly significant. During the 63 year existence of LANL, it has produced substantial radioactive, hazardous and toxic pollution and had a large impact on its surroundings. One cannot consider the use of land, or the cultural significance of certain sites, without considering this

contamination which the residents of New Mexico have been living with for at least three generations --- and will continue to live with for many more. For more on this topic, see our comment on Environmental Justice regarding page 5-157.

The Draft LANL SWEIS Fails to Establish the Proper Geographic Scope for the Cumulative Impacts Analysis. Establishing the proper geographic scope or boundary for a cumulative impacts analysis is extremely important because the proposed action may have direct, indirect, or an even an "additive" effect on resources beyond the immediate area. According to the CEQ, project specific analyses are "usually conducted on the scale of counties, forest management units, or installation boundaries, whereas [a] cumulative effects analysis should be conducted on the scale of human communities, landscapes, watersheds, or airsheds." (12).

To determine the appropriate geographic boundaries for a cumulative effects analysis, DOE/NNSA must: (1) determine the area that will be affected by their proposed action (the "project impact zone"); (2) make a list of resources within that area or zone that could be affected by the proposed action; and (3) determine the geographic areas occupied by those resources outside the immediate area or project impact zone. (15).

In most cases, "the largest of these areas will be the appropriate area for the analysis of cumulative effects" Id. Here, DOE/NNSA's cumulative impacts analysis stops at the artificial and indefensible 50-mile boundary. As such, DOE/NNSA fails to take into account the real direct, indirect, or additive impacts its actions are having not only on the environment, but those Who live beyond the selective 50 mile radius or those who live within the 50 mile radiuses of both Sandia National Laboratory and LANL.

The Draft LANL SWEIS Fails to Properly Assess Indirect Effects Under NEPA. The Draft LANL SWEIS must consider the "indirect effects" of a proposed action. Indirect effects are effects that are caused by the action but occur later in time or are further removed in distance. 40 C.F.R. § 1508 (b). Indirect effects "may include growth inducing effects or other effects related to induced changes in pattern of land use; population density or growth rate; and related effects on air, water, and other natural resources." Id. Here, the draft LANL SWEIS fails to properly address indirect impacts of a modern pit facility capable of manufacturing 450 pits per year, let alone name it as a primary discriminator on the cover sheet.

When considering the cumulative impacts in a reanalysis for the new draft LANL SWEIS, DOE/NNSA must examine impacts beyond the regional boundaries of our geographic area. A narrow sphere of analysis completely

denies the impacts to the national and international contexts and is therefore insufficient. LANL requires other facilities, located in New Mexico and around the country, for disposal of radioactive hazardous and toxic materials generated. It also uses other facilities for some experiments. The LANL mission and the proposals put forth in the draft LANL SWEIS, therefore, directly cause impacts to these sites as well. DOE/NNSA must consider these impacts as a part of the cumulative impacts from operations at LANL in the reanalysis for a new draft LANL SWEIS.

Furthermore, the legacy of LANL activities does not merely impact the local environment. Rather, LANL has perpetrated an international tragedy onto innocent individuals. Examples of this are devastatingly apparent with the dropping of atomic bombs on Hiroshima and Nagasaki and the horrific reality that the Hibaksha live with to this day. Or the tragedy imposed on the Marshall Islands and its Natives who withstood, but are suffering from, 67 atmospheric atomic tests. Some of these bombs bore pits manufactured at LANL. In all these instances, generations continue to bear the burden of this gross exploitation. Please see attached pictures in Exhibit 6.2. With advancements in technology, communities no longer exist as isolated islands from the international community. DOE/NNSA must assess historical, current, and international consequences due to LANL activities in the reanalysis for a new draft LANL SWEIS.

The current global political climate surrounding nuclear weapons is teetering on the edge of disaster. Please listen to *Eve of Destruction.* Exhibit 6.1. The United States pursued a war in Iraq under false pretenses that weapons of mass destruction had fallen into the hands of a dictator. The invasion of Iraq has left that country in shambles.

North Korea has already announced its nuclear weapons capabilities. Meanwhile, many speculate that Iran is pursuing nuclear weapons capabilities. In the case of Iran, the United States is relentlessly curtailing international efforts towards negotiating a resolution that involves a perspective other than its own demands. This type of unilateral thinking is fueling a cultural wildfire in the Middle East and beyond. With a proposal to increase nuclear weapons production at LANL, the United States is compromising security nationally and internationally. With this consideration at hand, a prudent proposal is necessary. CCNS and EVEMG request that the draft LANL SWEIS address the implications of continued operations at LANL on peace and security in the Middle Eastern, and a particular focus on Iran.

CCNS and EVEMG find the proposal to increase nuclear weapons activities at LANL to be in total disregard of both domestic and international laws and the commitments that underlie those laws. Without enforcement from the United

Nations (UN) through a thorough inspection from the International Atomic Energy Agency (IAEA) into United States nuclear strategic plans, both weapons and energy based, disarmament will never be realized. The Preferred Alternative under the draft LANL SWEIS proposes increased nuclear weapons activities, which undermines international cooperation, diplomacy and brings to the forefront the hypocritical foreign policy of the United States. CCNS and EVEMG request that the draft LANL SWEIS outline exactly how a proposal to increase plutonium pit production of the United States nuclear stockpile honors the United States commitment under the Nuclear Non-Proliferation Treaty (NPT) and aligns with international efforts for disarmament. Further, an inspection into the nuclear weapons programs of the United States is rightfully due at this point in time. DOE/NNSA must open LANL's doors for inspections by the IAEA.

A recent report, *Weapons of Terror*, created and published by former chief weapons inspector Hans Blix and a team of diverse experts states that, "over the past decade, there has been a serious, and dangerous, loss of momentum and direction in disarmament and non-proliferation efforts." Blix Report, p. 17. [www.wmdcommission.org/files/**Weapons**_of_**Terror**.pdf. The draft LANL SWEIS supports this claim. The draft LANL SWEIS Preferred Alternative proposes increasing pit production from 20 pits per year to 80 pits per year. Furthermore, a Modern Pit Facility is referenced over 60 times in the document itself, leading many to believe that LANL is preparing to become the new production factory for nuclear weapons, with the capability of producing 450 pits per year. The justification given from the DOE for this sharp increase is to replace aging weapons stockpile and fulfill commitments under the life extension and stockpile stewardship programs. There are two distinct problems with this argument. The first is that many have argued that a pit can withstand the weight of time over many decades, and is not aging as rapidly as first thought. Moreover, a pit's destructive capability can increase over these lengths of time. Therefore, pit replacement is not only unnecessary, but also a thorough waste of taxpayer funds.

The second flaw in this argument, and perhaps more disturbing, is that replacing these supposed aged pits send a clear message to the rest of the world of a *do as I say, not as I do* foreign policy. This message will resonate to non-nuclear states and will provide justification for their pursuit of a nuclear weapons arsenal and encourage nuclear states to maintain their existing arsenals. Thus, the United States is paving the path for a new, more dangerous arms race that will include new enemies, new targets and a new array of players.

Weapons of Terror states, "so long as any state has such weapons – especially nuclear arms – others will want them. So long as any such weapons remain in any state's arsenal, there is a high risk that they will one day be used, by design

or accident. Any such use would be catastrophic" Blix Report, p. 17. While the United States continues to condemn Iran for its proclamation of the pursuit of nuclear energy, the DOE is undertaking the fulfillment of its nuclear weapons agenda at various facilities scattered across the nation. At the heart of these activities is LANL.

The DRAFT LANL SWEIS' Cumulative Impacts Analysis Fails To Establish The Proper Baseline. As mentioned earlier, cumulative impacts are "the impacts on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions." 40 C.F.R. § 1508.7. The draft LANL SWEIS, however, fails to properly take into account the impacts of LANL's own past actions by failing to establish the proper baseline and failing to conduct the requisite "trends analysis" – an assessment of the environmental impacts of its management decisions over an extended period of time – preferably from the earlier, pre-development days to the present. See also discussion of background radiation in the Environmental Justice portion of our comments above. Only by properly defining the baseline and engaging in this trends analysis can DOE/NNSA present the changes that have occurred to the area's resources overtime. According to the CEQ, "trends in the abundance and distribution of habitats are one of the most important indicators of cumulative effects problems." CEQ Guideline at A-26.

The following are specific comments related to portions of the text in the draft LANL SWEIS.

p. 5-180. "Additional DOE or NNSA actions potentially impacting LANL include the possible siting of a modern pit facility at LANL. . . ." CCNS and EVEMG object to the many references made to a modern pit facility (MPF) capable of producing 450 plutonium pits per year. In 2003 when the draft EIS was issued for the MPF there was widespread public opposition by New Mexicans. Five sites were proposed for the MPF, including LANL. The funding for the MPF was later tabled by Congress, and the EIS was never finalized. It is unacceptable and misleading to refer to the impacts of this facility when the MPF EIS was never finalized. DOE/NNSA is violating NEPA by proposing a MPF at LANL in the draft LANL SWEIS. Furthermore, these activities have dire local, national and international implications. Increasing the plutonium pit production would exaggerate the repercussions addressed above. The draft LANL SWEIS omits a discussion of how an MPF or increased pit production would not violate the Nuclear Nonproliferation Treaty. DOE/NNSA must eliminate all references to a MPF at LANL in the reanalysis for a new draft SWEIS.

Rather than drastically expanding nuclear weapons production, Congress must change the mission of LANL to focus on life affirming research and development into renewable non-nuclear energy, such as solar, wind and biomass, and clean up technologies that support environmental and public health. DOE/NNSA must include an analysis of this transition as an additional Green Alternative in the cumulative impacts for a new draft LANL SWEIS. Such an analysis must include the international impacts that this transition would have. Please see Seeds of Change and Peace in Exhibit 6.2 and Exhibit 14.

p. 5-181. DOE/NNSA must include a description of the type of research that will be conducted at the BSL-3 in the reanalysis for a new draft LANL SWEIS. Experiments with biological agents potentially have huge repercussions in light of the current international political climate. Therefore, the reanalysis for a new draft LANL SWEIS, as well as the draft EIS for the BSL-3 must include the state, national and international impacts of its operation. Psychological impacts must be included in the health assessment of the draft EIS for the BSL-3

p. 5-181. What was the basis for the choice of building the BSL-3 out of stucco?

p. 5-181. "Air emissions would be passed through HEPA filters and would not affect the air quality of the region." CCNS and EVEMG do not share DOE/NNSA's confidence in the HEPA filters; and neither does the Defense Nuclear Facilities Safety Board (DNFSB). A DNFSB Technical Report dated May 1999 (DNFSB/TECH-23), states, "today there is convincing evidence that [the] infrastructure [which supported production and quality assurance for the HEPA filter] is failing; this report describes significant degradation of the infrastructure supporting DOE's HEPA filter program." DOE/NNSA must provide justification for their confidence in the HEPA filters in the new draft LANL SWEIS.

p. 5-181. DOE/NNSA must list the contaminates, which are to be captured by the HEPA filter, as well as their respective regulatory limits and health impacts, which will be filtered through the HEPA filters. For context and clarity, this list must be presented in a text box on this page.

p. 5-181. "Liquid waste would be discharged to the LANL sanitary sewage system where it would be commingled and treated prior to discharge and would have minimal impact on local and regional water quality." As water quantity dwindles, water quality becomes increasingly significant. DOE/NNSA must not dismiss any risk to our drinking water supply as minimal. For context and clarity, DOE/NNSA must define "commingled" and "treated" in the new draft LANL SWEIS.

p. 5-182. "It is also necessary to consider activities implemented by other Federal, state and local agencies and individuals outside, but within the region of influence for LANL." The CEQ regulations quoted in the draft LANL SWEIS place no limit on the geographic area or person who undertakes the other actions. p. 5-180. Therefore, the cumulative impacts through out the entire state, nation and world must be assessed. See above comments.

p. 5-182. "The city of Santa Fe . . . ; the Santa Clara Pueblo and San Ildefonso Pueblos. . . were contacted regarding anticipated future activities that could contribute to cumulative impacts." Why were only the Santa Clara and San Ildefonso Pueblos contacted? DOE/NNSA must contact all impacted pueblos and tribes in a reanalysis for a new draft LANL SWEIS as required by law and regulations. Tribes who travel to use the Los Alamos area, such as the Hopi, must also be contacted.

Furthermore, DOE/NNSA must contact all sites whose activities are correlated or dependent upon LANL activities or with whom LANL will work. Along with those sites, DOE/NNSA must contact all communities and federal agencies which may have information regarding anticipated future activities which could contribute to cumulative impacts for those sites. See above comments regarding the CEQ regulations.

p. 5-182. "Rio Arriba and Santa Fe Counties, and the Santa Clara and San Ildefonso Pueblos did not provide information for the cumulative impact analysis." DOE/NNSA must work with these communities, taking the lead and the responsibility as the party imposing potential harm, using every means possible, to obtain such information, for the reanalysis for the new LANL SWEIS.

p. 5-184. "The North Railroad Avenue groundwater contamination plume. . . would not contribute to cumulative impacts as LANL." CCNS and EVEMG disagree with the analysis of DOE/NNSA. The North Railroad Avenue groundwater contamination plume is moving towards the Rio Grande. It contains chlorinated solvents including "tetrachloroethene (PCE) and trichloroethene (TCE), cis1,2-dichloroethene (c-DCE) and trans-1,2-DCE (t-1,2-DCE)." North Railroad Avenue Plume Site Proposed Plan Fact Sheet, June 2001, EPA. What will happen when this contamination reaches the river and mixes with the LANL contaminants already there, such as PCBs, perchlorate, nitrates and tritium? The determination that the North Railroad Avenue groundwater contamination plume does not contribute to cumulative impacts at LANL is ignoring the future migration of these contaminants. DOE/NNSA must include an analysis of the impacts of this inevitable mixing in a reassessment for a new draft LANL SWEIS.

p. 5-186. "Some resources were not provided with a detailed analysis based on . . . a judgment that cumulatively there would be no appreciable impacts to these recourses." DOE/NNSA must define the terms "judgment" and "appreciable" as they are not listed in Chapter 8.

In the absence of a definition of "judgment" provided by DOE/NNSA, CCNS and EVEMG suggest that the Ancient philosopher Aristotle's concept of judgment be used. In The Rhetoric, Aristotle discusses judgment and states, "But since rhetoric is concerned with making a judgment [hepei d'heneka kriseos estin he retorike] (people judge what is said in deliberation, and judicial proceedings are also a judgment), it is necessary not only to look to the argument [ton logon], that it be demonstrative and persuasive [apodeiktikos kai pistos] but also for the speaker to construct a view of himself as a certain kind of person and to prepare the judge." Line 1377b20-24. Based on Aristotle's understanding of the term, CCNS and EVEMG are not confident in DOE/NNSA's ability to judge the "appreciable impacts to these resources." The quality of analysis in the rest of the draft LANL SWEIS has been too poor, inadequate and incomplete as to make DOE/NNSA appear to be of such a kind as to be able to judge. DOE/NNSA must include a table or list of all areas for which a judgment was made that there would be no cumulative impact in the reanalysis for a new draft LANL SWEIS and the reasoning behind that "judgment".

p. 5-186. "Up to 826 acres (334 hectares) of this land could be developed after transfer with the potential introduction of incompatible land uses and the loss of recreational opportunities." What do the phrases "incompatible land use" and "loss of recreational opportunities" mean? DOE/NNSA must restate this sentence in such a way as the meaning can be easily understood by members of the public in a reanalysis for a new draft LANL SWEIS.

CCNS and EVEMG object to the phrasing "if the waste at the MDAs is confined in place" as a description of the MDA capping option. Contamination is not confined in place in this option, simply covered. Runoff from storm and melting snow events, heavy winds, change in land use and forest fires could easily move and remobilize this contamination. DOE/NNSA must use phrasing which more accurately describes the MDA capping option in a reanalysis for the new draft LANL SWEIS. See CCNS and EVEMG comments regarding water. See also attached comments by George Rice regarding MDA cleanup. Exhibit 5 Additionally, DOE/NNNSA must pursue clean up technology with the same drive and intention as developing the atomic weapon in order to make it a viable alternative.

p. 5-187 – 5-191. Water: Please see CCNS and EVEMG comments regarding Water.

p. 5-191 – 5-193. Air Quality: Please see CCNS and EVEMG comments regarding Air.

p. 5-193. Human Health: CCNS and EVEMG object to DOE/NNSA limiting their analysis to cancer deaths. DOE/NNSA must assess all health impacts of not only radiation exposure but also those resulting from exposure to the other toxic and hazardous contaminates generated by LANL activities.

Please see Exhibit 17.2 "New Mexico's Right to Know: the Impacts of LANL Operations on Public Health and the Environment." Full report is available at www.nuclearactive.org. CCNS and EVEMG submit this report as a part of our formal comments.

"There would be no increase expected in the number of LCFs among the general public even if a modern pit facility operations were located at LANL." All references to the modern pit facility must be removed from the reanalysis for a new draft LANL SWEIS. Furthermore, the phrase "latent cancer fatality" and especially the acronym LCF mislead the public by disguising the significance of the topic. DOE/NNSA must use terminology which is easily understood by the general public.

If DOE/NNSA determines that they will retain references and analysis of a modern pit facility at LANL in the new draft LANL SWEIS, then they must explain how there could be no increase of impacts from such a drastic increase of pit production, emissions, discharges and waste generation as would be caused by the operation of a modern pit facility. Furthermore, DOE/NNSA must explain how the future use of one of the bombs built with a pit produced at the modern pit facility would have no increase in human health impacts. If DOE/NNSA does not consider the use of one of these bombs as a foreseeable future activity, then there is no justification for operating the facility. DOE/NNSA must include the life-cycle and international human health impacts of increasing nuclear weapons manufacturing.

DOE/NNSA must use more accessible terms than LCF and MEI to describe the impacts to individuals whose health has been harmed by the resumption of nuclear weapons manufacturing.

p. 5-194. Infrastructure: The cumulative impacts of infrastructure changes must assess not only the usage requirements for water, electricity and natural gas, but also the impact of the use. DOE/NNSA must include a life-cycle assessment for the use of these resources, in the reanalysis for a new draft LANL SWEIS.

p. 5-195. Infrastructure: The cumulative impact of infrastructure changes is not capacity constraints, but rather the socio-economic, environmental and human

health impacts of using the resources. DOE/NNSA must include a life-cycle assessment of the emissions and discharges generated by obtaining the materials and generating the electricity in the reanalysis for a new draft LANL SWEIS.

"Without the San Juan-Chama water, demand could exceeded the available water supply in the future." There is no plan to mitigate the effects of reduced flows through the San Juan/Chama diversion. Is it reasonable to assume an increase in pit production and an increase in contaminated discharge through the canyon system to the Rio Grande when the availability of San Juan/Chama water in the suggested quantities may be in doubt?

Two questions are raised by San Juan/Chama water discussion. One concerns the models used to predict water resources available below the Pajarito Plateau. These models use parameters that the modelers frankly call "uncertain." Please see Exhibits 1-4.

Second, the basic assumption that San Juan/Chama water will flow through the Rio Grande in the amounts predicted since the 1960s has not been proven given the scale and number of upstream demands on that water. If San Juan/Chama water is not available in the quantities predicted, what is the plan? This is particularly important question because LANL has the intention of discharging 60% more water to the river through a number of canyon systems, many of which contain contaminants. If the solution to pollution is dilution, how does LANL expect to deal with a situation in which they increase the contaminated discharge even if there is no increased volume in the river?

Until the uncertainties are dealt with in a realistic manner, the Final LANL SWEIS must be delayed. Water is the lifeblood without which neither LANL nor surrounding communities can expect to continue and prosper.
p. 5-195. Waste Management: The Waste Management assessment focuses only on the practicality of storing the proposed waste, but not the social, environmental and health impacts of such disposal. DOE/NNSA omit addressing the pertinent question with this analysis. The issue is what the impacts of the proposal will be, not what is possible. DOE/NNSA must address the impacts of their proposal for waste management in a reanalysis for the new draft LANL SWEIS. Please see more Waste discussion near the end of these comments.

DOE/NNSA must not lump the waste from cleanup in with the newly generated waste. Waste from remediation and DD&D of facilities is waste which is already in existence and must be dealt with. Waste from future activities is waste which is being generated. DOE/NNSA omits analysis and consideration of the waste from the remediation of future activities, this waste would be rightfully considered generated. Remediation and DD&D of facilities is

necessary for protection of the environment and public health. Planned future activities generate unnecessary waste in the service of weapons of mass destruction. DOE/NNSA must not conflate the two in reanalysis for the new draft LANL SWEIS.

p. 5-196. Table 5-79. Estimated Cumulative Waste Generation at LANL (2007 to 2016). See comments by Don Hancock regarding Transuranic Waste.

The sentence "therefore, Table 5-79 overestimates cumulative waste generation associated with pit production," is misleading. If a modern pit facility is a "reasonably foreseeable future action," then the table is an accurate estimation of foreseeable future actions, because LANL would have the capability to both produce the current 80 pits per year in addition to the 450 pits per year in the modern pit facility. If DOE/NNSA does not intend to utilize the full capability they are proposing to establish at LANL, they must be straightforward about their intentions to build redundant facilities.

"Increases in the cumulative waste generation rate may require the construction of additional facilities and assignment of additional staff to manage the wastes . . . Substantial quantities of low-level radioactive wastes and solid wastes (primarily the debris from excavation, construction and demolition activities) are projected." These statements are misleading and make it appear as though the limitations to storage space are not a serious concern. The Summary to the draft LANL SWEIS, however, states in Expanded Operations Alternative, with the MDA removal option and the operation of a modern pit facility were to be undertaken, "the projected low-level radioactive waste volume (1.5 million cubic yards [1.1 million cubic meters]) would exceed the onsite disposal capacity, and the transuranic waste volume (48,000 cubic yards [37,000 cubic meters]) would significantly exceed the volume (27,500 cubic yards [21,000 cubic meters]) attributed to LANL in the *Waste Isolation Pilot Plant Disposal Phase Final Supplemental Environmental Impact Statement.*" S-71. Which makes it a matter of great contention, because there is not enough storage space available for the low-level radioactive and transuranic waste at LANL.

The cited sentence above is purposefully misleading because it does not even mention the issues related to transuranic waste disposal.

DOE/NNSA must not go forward with any activities until the issue of waste disposal has been determined. CCNS and EVEMG believe that it is common sense to apply a preventative principle such as this before expending taxpayer dollars on facilities that will continue to generate waste that does not have a disposal path.

"Most wastes, with the exception of some low-level radioactive waste, are disposed offsite at permitted facilities." DOE/NNSA must define the term "some." Furthermore, waste remains on site until it has been shipped for permanent disposal. DOE/NNSA must address the time it has taken to ship the "Quick to WIPP" high activity waste drums before making the above statement. DOE/NNSA must explain the reason for the delays, including the EPA shutdown of activities. Furthermore, the socioeconomic, environmental, health and psychological impacts of the offsite disposal options must be assessed as part of the cumulative impacts of LANL activities.

"The expansion of Area G into Zone 4 is expected. . . " DOE/NNSA must fully and completely address the environmental impacts of continuing to bury low-level radioactive waste in unlined, pits, shafts and trenches. Such an analysis cannot be done until the area G performance assessment has been completed. See CCNS and EVEMG comment regarding the Area G performance assessment. Please note that the State of New Mexico has recognized the need to protect surface and ground water. All municipalities in the State of New Mexico are required to install liners in all new waste facilities. Please explain why DOE/NNSA omits such a requirement in the draft LANL SWEIS.

"In addition, offsite disposal options. . . NNSA's Nevada Test Site…" The socioeconomic, environmental, health and psychological impacts of the Nevada Test Site must be assessed as part of the cumulative impacts of LANL activities.

p. 5-197. The socioeconomic, environmental, health and psychological impacts of disposal of transuranic waste at WIPP must be considered as a part of the cumulative impacts of LANL operations. DOE/NNSA must address the violation of environmental Justice in using a sacred salt site to dispose of waste from the production of weapons of mass destruction.

"Off site treatment options are available at commercial facilities across the country, including treatment facilities and disposal facilities in Nevada, Colorado, Utah and Texas." DOE/NNSA must analyze the socioeconomic, environmental, health and psychological impacts of the offsite treatment and disposal options, as part of the cumulative impacts of LANL activities.

"…appropriately permitted solid waste landfill…." DOE/NNSA must analyze the socioeconomic, environmental, health and psychological impacts of the solid waste landfill, as part of the cumulative impacts of LANL activities.

". . .the Rio Rancho, Sandoval County, Torrance/Bernalillo County Landfills." DOE/NNSA must analyze the socioeconomic, environmental, health and psychological impacts of the solid waste landfill, as part of the cumulative impacts of LANL activities.

p. 5-197. Transportation: "The collective dose, cumulative health effects and traffic features from approximately 100 years of radioactive material and waste transportation across the United States are estimated in Table 5-80." What transportation of radioactive materials occurred 100 years ago? Does DOE/NNSA have data regarding the possible use of a Model A to transport radioactive materials to Madame Curie? It is disgraceful the scientists would expand the data in this way in order to simplify calculations about the environmental and health impacts of transportation of radioactive materials. DOE/NNSA must reanalysis the cumulative impacts of transportation based on actual data in a new draft LANL SWEIS.

p. 5-198. "For perspective, in 2004 there were 522 traffic fatalities in New Mexico and 58 in the three neighboring counties (Los Alamos, Rio Arriba, and Santa Fe)." Please describe what actions DOE/NNSA are taking to reduce the potential for a traffic accident involving their radioactive, hazardous and toxic materials. Please see attached articles and cartoons regarding traffic accidents in New Mexico.

p. 5-199. The draft LANL SWEIS refers to "a modern pit facility." The collective voice from Northern New Mexico: "No MPF! Nowhere! No way!" Please see Exhibit 6.2.

Local Transportation: DOE/NNSA must analyze the CO2 emissions from such a traffic increase. Furthermore, DOE/NNSA must assess the Environmental Justice implications of the health impacts due to such an increase.

p. 5-200. "Some resources were not provided with a detailed analysis based on . . . a judgment that cumulatively there would be no appreciable impacts to these recourses." See above comment regarding "judgment." Please include the basis and decision making process for making this "judgment."

"The following paragraphs summarize the impacts for LANL and the surrounding region of influence." The CEQ regulations quoted in draft LANL SWEIS place no limit on the geographic area or person who undertakes the other actions. p. 5-180. Therefore, the cumulative impacts through out the entire state, nation and world must be assessed. See above comments.

"… and locate a facility producing 450 pits annually at LANL." Again, the collective voice of Northern New Mexico says, "No MPF! Nowhere! No Way!" Please see Exhibit 6.2.9.