

**SECTION 1**  
**OVERVIEW OF THE PUBLIC COMMENT PROCESS**

---



---

## 1.0 OVERVIEW OF THE PUBLIC COMMENT PROCESS

This section of this Comment Response Document (CRD) describes the public comment process for the *Draft Site-Wide Environmental Impact Statement for Continued Operation of Los Alamos National Laboratory, Los Alamos, New Mexico* (DOE/EIS-0380) (Draft LANL SWEIS or SWEIS), as well as the procedures used to respond to those comments. Section 1.1 describes the public comment process and the means through which comments on the Draft LANL SWEIS were received. This section also identifies the comment period and the locations and dates of the public hearings on the Draft LANL SWEIS. Section 1.2 describes the public hearing format. Section 1.3 explains the organization of this document, including how the comments were identified and addressed. This section also includes indices of organizations and public officials that commented on the Draft SWEIS. Section 1.4 summarizes the major changes made to the SWEIS including those that resulted from the public comment process. Section 1.5 summarizes the steps the National Nuclear Security Administration (NNSA) will take after publication of the Final LANL SWEIS.

*Comment Document* – A communication in the form of a transcript or written comment from a public hearing, a letter, an electronic communication (e-mail, fax), or a transcription of a recorded phone message that contains comments from a sovereign nation, government agency, organization, or member of the public regarding the Draft LANL SWEIS.

*Comment* – A statement or question regarding the Draft LANL SWEIS content that conveys approval or disapproval of proposed actions, recommends changes in the LANL SWEIS, raises a concern or issue, or seeks additional information.

### 1.1 Public Comment Process

NNSA prepared the LANL SWEIS in accordance with the National Environmental Policy Act of 1969 (NEPA) (42 United States Code [U.S.C.] Section 4321) to examine the environmental impacts associated with three alternatives for the continued operation of the Los Alamos National Laboratory (LANL). An important part of the NEPA process is solicitation of public comments on a draft environmental impact statement (EIS) and consideration of those comments in preparing a final EIS. NNSA released the Draft LANL SWEIS in July 2006 for review and comment by other Federal agencies, the State of New Mexico, Native American Tribal Governments, local governments, and the public. NNSA distributed copies to those organizations and government officials who were known to have an interest in LANL, as well as those organizations and individuals who requested a copy. Copies were also made available on the Internet and in regional U.S. Department of Energy (DOE) public document reading rooms and public libraries.

The formal public comment period was originally scheduled for 60 days, from July 7 to September 5, 2006. In response to requests for more review time, NNSA extended the public comment period an additional 15 days to September 20, 2006, for a total of 75 days. During this comment period, public hearings were held in Los Alamos, Española, and Santa Fe, New Mexico.

**Table 1–1** lists the locations and estimated numbers of attendees for each hearing. The attendance estimates are based on the number of registration forms completed and returned, as well as a rough “head count” of the audience.

**Table 1–1 Public Hearing Locations and Attendance**

| <i>Location</i>        | <i>Date</i>     | <i>Estimated Attendance</i> |
|------------------------|-----------------|-----------------------------|
| Los Alamos, New Mexico | August 8, 2006  | 50                          |
| Española, New Mexico   | August 9, 2006  | 33                          |
| Santa Fe, New Mexico   | August 10, 2006 | 95                          |
| Total                  |                 | 178                         |

In addition to comments received during the public hearing process, the public was encouraged to submit comments on the Draft SWEIS to DOE via U.S. mail, e-mail, a toll-free telephone number, and a toll-free fax line. DOE received approximately 2,085 submittals containing over 3,264 comments addressing a wide range of issues. **Table 1–2** lists the numbers of comments received by method of submission.

**Table 1–2 Comment Submission Method**

| <i>Method</i>               | <i>Number of Submittals</i> |
|-----------------------------|-----------------------------|
| Hearings (written and oral) | 107                         |
| U.S. Mail                   | 1,800 <sup>a</sup>          |
| E-mail                      | 147                         |
| Toll Free Telephone Number  | 20                          |
| Toll-Free Fax Line          | 11                          |
| Total                       | 2,085                       |

<sup>a</sup> Includes 9 campaigns containing 1,660 signatures.

NNSA considered all comments, including those received after the comment period ended, in its evaluation of the accuracy and adequacy of the Draft SWEIS to determine whether corrections, clarifications, or other revisions were required. NNSA considered spoken and written comments equally. Upon receipt, all written comment documents were date-stamped and assigned a document number for tracking during the comment response process. Each message left on the toll-free telephone line and each speaker at the public hearings was assigned a document number. All comment documents were then processed through the comment analysis and response sequence. The text of each comment document was delineated into individual, sequentially numbered comments. The comments were re-evaluated throughout the course of the response process as new information became available or as aspects of the SWEIS changed. Comments were reviewed and responded to by policy experts, subject matter experts, and NEPA specialists, as appropriate. The originally submitted comment documents and transcribed telephone messages were preserved as part of the Administrative Record. **Figure 1–1** illustrates the process used to collect, track, and respond to the comments.

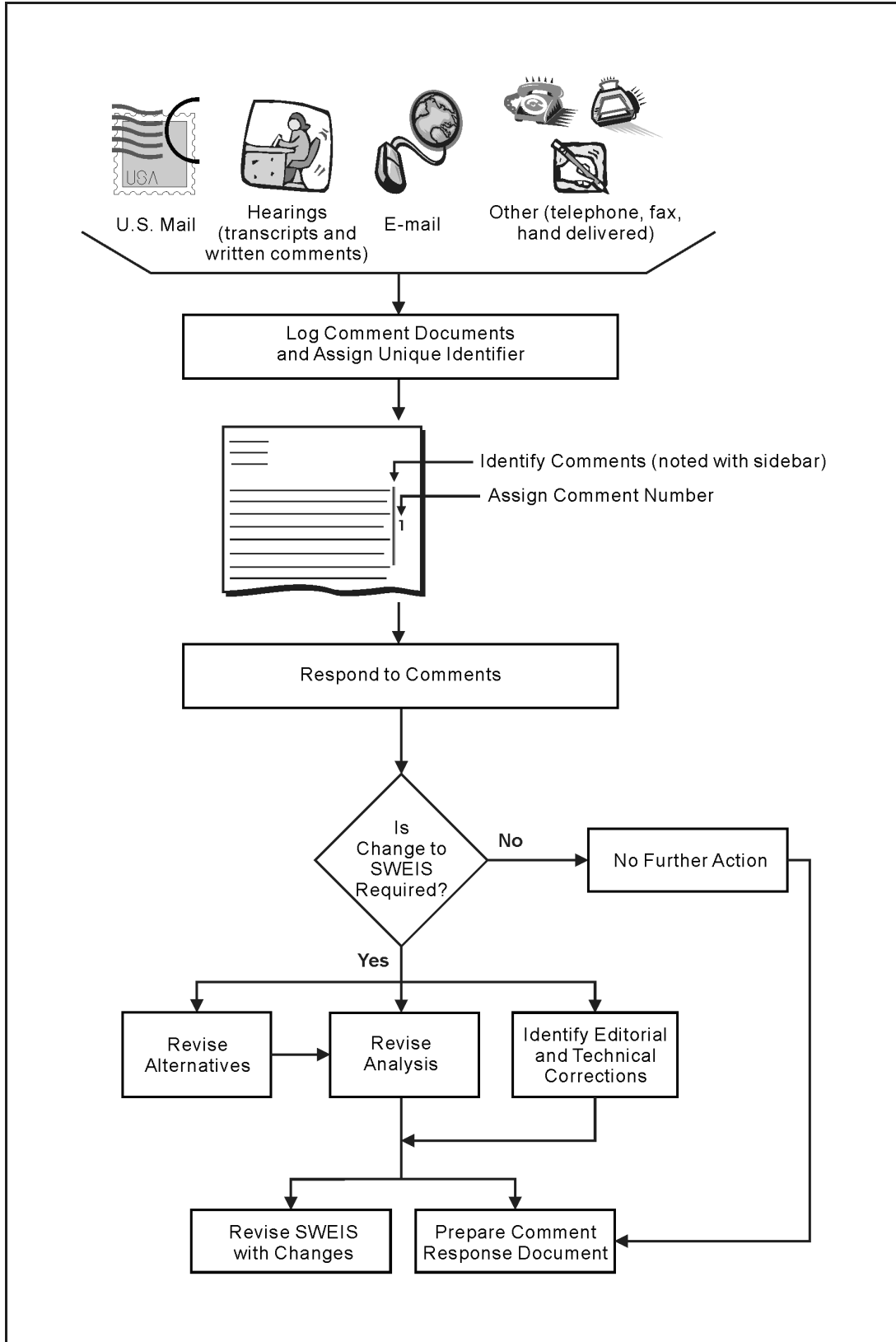


Figure 1-1 LANL SWEIS Comment Response Process

The comments and NNSA responses were compiled in a side-by-side format, with each delineated comment receiving a separate response. All comments and responses are numbered with a comment identification number to facilitate matching a comment with its response.

Topics of broad public interest or concern that may require a more detailed response were characterized as major issues and addressed in a separate section.

The comment response process, for example, was integral to preparation of the Final LANL SWEIS, as it was used to focus revision efforts and ensure consistency throughout the final document. Comments were evaluated to determine, for example, whether the alternatives and analyses presented in the Draft LANL SWEIS should be modified or augmented; whether information presented in the Draft SWEIS was incorrect or out of date; and whether additional or revised text would clarify or facilitate better understanding of certain issues. Vertical bars are presented alongside the text in the Final LANL SWEIS to indicate where such changes were made.

## **1.2 Public Hearing Format**

The public hearings were organized to encourage public comments on the Draft LANL SWEIS and to provide members of the public information about the NEPA process and the proposed actions. A court reporter was present at each hearing to record and prepare a transcript of the proceedings including comments from the attendees, spoken publicly at the hearing or in private to the court reporter. These transcripts are included in Section 3 of this CRD. Written comments were also collected at the hearings. Comment forms were available at the hearings for anyone wishing to use them.

At each of the public hearings, there were poster displays staffed by NNSA and LANL contractor subject matter experts. Members of the public were invited to view the displays and ask questions of the subject matter experts either before or after the formal hearings were conducted. The displays addressed the NEPA process, the alternatives included in the SWEIS, pit production, groundwater issues, and the specific projects evaluated as part of the Expanded Operations Alternative.

The hearings opened with welcoming remarks from the NNSA representative responsible for managing the preparation of the LANL SWEIS (Document Manager) and management representatives from the NNSA Los Alamos Site Office. The Document Manager provided an overview of the Draft LANL SWEIS and the NEPA process. Following the overview presentation, a meeting facilitator opened the public comment session. To ensure that everyone interested in speaking had the opportunity, a time limit was established based on the number of people who had indicated a desire to speak. As part of the comment response process, the transcripts and written comments collected at the hearings were reviewed for comments and questions on the SWEIS as described in Section 1.1 of this CRD.

### **1.3 Organization of this Comment Response Document**

This CRD is organized into the following sections:

- Section 1 describes the public comment process, the public hearing format, the organization of this document, and the changes made to the Draft LANL SWEIS.
- Section 2 presents summaries of major issues raised in the comments and NNSA's responses. Major issues include comment topics that appeared frequently in the comments and may have required a lengthy or detailed response.
- Section 3 presents transcripts of the oral comments and scanned copies of the comment documents received during the three public hearings, as well as comments received by U.S. mail, e-mail, toll-free telephone number, and toll-free fax line during the public comment period, side-by-side with NNSA's responses.
- Section 4 lists the references cited in this volume.

### **1.4 Changes from the Draft Environmental Impact Statement**

The Draft SWEIS was revised to provide additional environmental baseline information, include additional analyses, correct inaccuracies and editorial errors, and clarify text. These revisions resulted from both public comments and internal review of the Draft SWEIS by NNSA. The SWEIS was also updated to reflect events that occurred or notifications that were made for other documents since the Draft SWEIS was issued for public comment in July 2006. The following paragraphs summarize the more important changes made to the SWEIS.

#### **1.4.1 Incorporation of Updated Environmental and Other Information**

The Final SWEIS was updated to incorporate recent data from the *2005 SWEIS Yearbook* (LANL 2006f) and *Environmental Surveillance at Los Alamos during 2005* (LANL 2006g) into Chapters 2, 3, 4, and 5, as well as certain appendices. Resource areas most affected include air emissions and water discharges, human health, infrastructure (including electrical and water usage), and waste management. Other new information incorporated into the SWEIS analyses include a biological assessment, an update to the probabilistic seismic hazard analysis, and the most recent New Mexico Environment Department stream water quality standards.

Appendix F was revised to clarify the purpose and use of the data included and relationship of these data to the information reported in LANL's annual environmental surveillance reports. In addition to its relevance to the SWEIS impacts analyses, the data analysis in Appendix F is intended to provide perspective relative to similar data presented in the *1999 SWEIS* (DOE 1999a). Affirmed detection of contaminants in the environment is presented in the LANL environmental surveillance reports. The number of these detections was added to Appendix F. Appendix F was also updated to include an additional year of radionuclide measurements in the environmental media in and around LANL. Appendix F also discusses the results of monitoring for nonradiological contaminants, which is part of the LANL environmental surveillance program. Information on nonradiological contaminants for the period from 2001 through 2005 is

provided for hexavalent chromium, 1,4-dioxane, and polychlorinated biphenyls (PCBs). In addition, the environmental surveillance information for perchlorate was updated to include the results from the most recent year of reporting.

Chapter 5, Section 5.8.2 was updated to include 2005 water use data in the trend analysis. The projected demand on available water rights administered by Los Alamos County decreased from 101 percent to 98 percent, leading to the conclusion in the Final SWEIS that water rights would not be exceeded if the Expanded Operations Alternative were implemented. A more detailed discussion regarding water use is provided in Chapter 4, Section 4.8.2.3.

#### **1.4.2 Presentation of Impacts from Expanded Pit Production and Consent Order Activities**

The summary of impacts in Chapter 3 was revised to identify the impacts directly associated with activities related to expanded pit production or to comply with the Consent Order. In addition to showing the collective impacts of the Expanded Operations Alternative, where practical and relevant, the impacts of expanded pit production and implementing the Consent Order are shown separately. This makes it possible for the reader to compare the impacts of the alternatives without the influence of either of these activities and reinforces the fact that NNSA can select all or part of any alternative.

#### **1.4.3 Environmental Justice**

The Environmental Justice analyses in Chapter 5 were expanded to include radiological doses from LANL operations for the following populations within 50 miles (80 kilometers) of LANL: white (non-Hispanic), all (total) minorities, American Indians, and Hispanic of any race. The white (non-Hispanic) population would be expected to receive the largest annual collective dose and largest annual average individual dose under all three alternatives. Population doses to persons living below the poverty level were also analyzed; persons living above the poverty level would receive a higher population dose and annual average individual dose than those living below the poverty level under all three alternatives. These data show that the total minority, American Indian, Hispanic, and low-income populations would not be subjected to disproportionately high and adverse dose impacts from normal operations at LANL.

#### **1.4.4 Removal of References to a Modern Pit Facility**

References to a modern pit facility in the Draft LANL SWEIS were made to ensure that reasonably foreseeable future actions were addressed in accordance with Council on Environmental Quality NEPA regulations regarding cumulative impacts. In October 2006, NNSA issued a Notice of Intent (71 *Federal Register* [FR] 61731) to prepare the *Supplement to the Stockpile Stewardship and Management Programmatic Environmental Impact Statement – Complex 2030* (subsequently called the *Complex Transformation Supplemental Programmatic Environmental Impact Statement [Complex Transformation SPEIS]*) (DOE/EIS-0236-S4). In addition to announcing its intent to assess the environmental impacts from continued transformation of the nuclear weapons complex, NNSA announced cancellation of the previously planned *Supplemental Programmatic Environmental Impact Statement on Stockpile Stewardship and Management for a Modern Pit Facility* (DOE/EIS-236-S2) (DOE 2003a). Therefore, a modern pit facility is not included in the cumulative impacts discussion of this SWEIS.



### **1.4.5 Accident Analyses**

The accident analyses were revised to account for 2006 updates to accident scenarios for certain nuclear facilities that resulted in higher consequences and risks than the previous scenarios. Revising the accident analyses also addressed a comment received regarding an accident scenario involving a fire in the Plutonium Facility Complex. Details of the revised scenarios are included in Appendix D. New accident scenarios were added for the Radioassay and Nondestructive Testing Facility; the Waste Characterization, Reduction, and Repackaging Facility; and the Plutonium Facility Complex. The new accident scenarios include one scenario for each of the individual facilities; two scenarios involving the Waste Characterization, Reduction, and Repackaging Facility and the Plutonium Facility Complex during a seismic event; and one scenario involving the Waste Characterization, Reduction, and Repackaging Facility in the event of a wildfire. Relevant results of these new accident scenarios are reported in Chapter 5, Section 5.12.

The discussion of the site-wide seismic accidents was revised to account for new information from the updated seismic hazard analysis (LANL 2007a). The new study indicates that the seismic hazard is higher than previously understood; that is, the likelihood of earthquakes capable of producing strong ground shaking at the LANL site is greater than previously estimated. This would result in changes to the maximum risks to the maximally exposed individual, the noninvolved worker and the offsite population under the two seismic accidents.

### **1.4.6 Terrorism**

The SWEIS was revised to address the issue of terrorism more thoroughly. Chapter 4, Section 4.6, was expanded to include a description of the safeguards and security in place at LANL to protect facilities and special nuclear materials from malevolent acts. Chapter 5, Section 5.12, was revised to discuss the process of assessing the vulnerabilities of facilities to hostile acts. These vulnerability assessments guide the enhancement of safeguards and security at the site. A classified appendix assesses the potential impacts of terrorist acts.

### **1.4.7 Transportation Analysis**

In response to commentors expressing concerns regarding increased pit production, the SWEIS transportation analysis was revised to provide a clearer distinction between the shipment requirements for production rates of 20 and 80 pits per year. In addition, the impacts analysis was revised to bound the impacts of transporting uranium-233 between Oak Ridge National Laboratory and LANL and between LANL and the Nevada Test Site in support of the criticality safety program. A unit basis transportation impacts assessment was also added to Appendix J to provide a basis for assessing the impacts of the future transport of sealed sources to LANL in support of the Off-Site Source Recovery Project.

### **1.4.8 Alternatives for Upgrading the Radiography Facility**

The project-specific analysis in Appendix G, Section G.6, was revised to remove any options for providing a radiography facility in Technical Area (TA) 55 that considered using all or part of the previous Nuclear Materials Storage Facility (Building 55-41). Evaluations of the structure of Building 55-41 determined that extensive and costly structural upgrades to the building would be needed to bring it into compliance with requirements for managing special nuclear materials. Roof panel members would need to be replaced, and other structural components would need to be repaired, replaced, or reconfigured. This structure was never used for storage of nuclear materials, and a decision was made in 2006 to demolish the structure. As an uncontaminated structure, the resulting demolition debris may be reused as fill or sent to a solid waste landfill. In addition to a no action option, Section G.6 analyzes an option to construct a new radiography facility in TA-55 as part of the Expanded Operations Alternative.

### **1.4.9 Location of the Proposed TRU (Transuranic) Waste Facility**

The impacts analysis included in Appendix H, Section H.3, Waste Management Facilities Transition, was revised with respect to the TRU Waste Facility. The function of the facility would be primarily to support operations at the Plutonium Facility Complex, including managing transuranic waste after treatment at the Radioactive Liquid Waste Treatment Facility. Therefore, a number of locations along the west end of the Pajarito Road corridor near the waste-producing facilities are being considered. The analysis was revised to evaluate the impacts of a range of locations in the TAs along Pajarito Road. For human health impacts, releases from normal operations and facility accident impacts, the analyses account for the largest impacts that would be expected. For other impacts that would be more site-specific (such as land use impacts, visual impacts, and effects on ecology and cultural resources), the analyses distinguish among the group of TAs being considered.

### **1.4.10 Revision of the Reduced Operations Alternative**

The impacts analysis of the Reduced Operations Alternative was revised to include a possible reduction in scope of the Chemistry and Metallurgy Research Replacement Facility as it was to be implemented pursuant to NNSA's 2004 Record of Decision (69 FR 6967). The Chemistry and Metallurgy Research Replacement Facility would be limited to the construction and operation of the radiological laboratory, administrative offices, and support facility building. The decision to construct the nuclear facility portion would be postponed until completion of the *Complex Transformation SPEIS*. The existing Chemistry and Metallurgy Research Building would continue to operate beyond 2010 until its closure sometime around 2020 to provide analytical chemistry, materials characterization, and research and development activities. Due to limitations on vault space and the amount of analytical support that can be provided in the Chemistry and Metallurgy Research Building, nuclear pit production would be limited to fewer than 20 pits per year.

## **1.5 Next Steps**

One or more Records of Decision may be published, but no sooner than 30 days after issuance of the Notice of Availability for the Final LANL SWEIS. These Records of Decision would explain all factors considered by NNSA in reaching its decisions, including environmental impacts. Records of Decision also would identify the environmentally preferred alternative or alternatives. If mitigation measures, monitoring, or other conditions are adopted as part of NNSA's decisions, these would be summarized in the Records of Decision, and included in Mitigation Action Plans that would be prepared following issuance of the Records of Decision. The Mitigation Action Plans would explain how and when any mitigation measures would be implemented and how NNSA would monitor the measures' effectiveness over time.