preclaims assistance, closed school, false certification and lender of last resort and lender referral fee pay.

Copies of this information collection can be obtained from the following electronic mailbox: http://www.ed.gov/offices/OSFAP/IGAL/.

Written comment and requests for copies of the proposed information collection request should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651, or should be electronically mailed to the internet address *OCIO—IMG—Issues@ed.gov*, or should be faxed to 202–708–9346.

For questions regarding burden and/or the collection activity requirements, contact Joseph Schubart at 202–708–9266 or by e-mail at joe__schubart@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

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DEPARTMENT OF ENERGY

Record of Decision: Site-Wide Environmental Impact Statement for Continued Operation of the Los Alamos National Laboratory in the State of New Mexico

AGENCY: Department of Energy.

ACTION: Record of decision.

SUMMARY: The Department of Energy (DOE) is issuing this Record of Decision on the continued operation of the Los Alamos National Laboratory (LANL) in the State of New Mexico. This Record of Decision is based on the information and analysis contained in the Site-Wide Environmental Impact Statement for Continued Operation of the Los Alamos National Laboratory, DOE/EIS–0238 (including the classified supplement), and other factors, including the mission responsibilities of the Department, and comments received on the final Site-Wide Environmental Impact Statement. DOE has decided to implement the Preferred Alternative, which, with certain limitations, is the Expanded Operations Alternative. This alternative would expand operations at LANL, as the need arises, to increase the level of existing operations to the highest reasonably foreseeable levels, and to fully implement the mission elements assigned to LANL.

FOR FURTHER INFORMATION CONTACT: For further information on the Site-Wide Environmental Impact Statement or to receive a copy of the Site-Wide Environmental Impact Statement or other information related to this Record of Decision, contact: Corey Cruz, Document Manager, U.S. Department of Energy, Albuquerque Operations Office, P.O. Box 5400, Albuquerque, NM 87185, (505) 845–4282.

For information on the DOE National Environmental Policy Act (NEPA) process, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–4600, or leave a message at (800) 472–2756.

SUPPLEMENTARY INFORMATION:

Background

DOE prepared this Record of Decision pursuant to the regulations of the Council on Environmental Quality for implementing NEPA (40 CFR Parts 1500–1508) and DOE's NEPA Implementing Procedures (10 CFR Part 1021). This Record of Decision is based, in part, on DOE's Site-Wide Environmental Impact Statement for Continued Operation of the Los Alamos National Laboratory, (DOE/EIS–0238). LANL is located in north-central New Mexico, 60 miles (96 kilometers) north-northeast of Albuquerque, 25 miles (40 kilometers) northwest of Santa Fe, and 20 miles (32 kilometers) southwest of Española. LANL occupies an area of approximately 27,832 acres (11,272 hectares), or approximately 43 square miles (111 square kilometers), of which 86 percent lies within Los Alamos County and 14 percent within Santa Fe County. The Fenton Hill site (Technical Area [TA]–57), a remote site 20 miles (32 kilometers) west of LANL, occupies 15 acres (6 hectares) in Sandoval County on land leased from the U.S. Forest Service. LANL is divided into 49 separate Technical Areas. LANL is a multi-disciplinary, multipurpose national laboratory engaged in theoretical and experimental research and development. DOE has assigned elements of each of its four principal missions (National Security, Energy Resources, Environmental Quality, and Science) to LANL, and has established and maintains several capabilities in support of these mission elements, including applications of science and technology to the nuclear weapons program. These capabilities also support applications for other Federal agencies and other organizations in accordance with national priorities and policies.

DOE is currently engaged in other NEPA reviews that include LANL as an alternate location for the action under consideration. These other NEPA reviews include programmatic and project Environmental Impact Statements for Waste Management and Surplus Plutonium Disposition. Since these other Environmental Impact Statements identify potential new or expanded activities for LANL, the impacts of these activities are described under the Preferred Alternative in the Site-Wide Environmental Impact Statement. The nature of the decisions in this Record of Decision with regard to the Waste Management programmatic and project proposals is simply to reserve infrastructure at LANL pending completion of these programmatic and project reviews and the corresponding decision document. With regard to the Surplus Plutonium Disposition program, the nature of the decision in this Record of Decision is to maintain the competency and capability to fabricate the Lead Assemblies as evaluated in the Surplus Plutonium Disposition Environmental Impact Statement (SPD EIS). However, the availability and capacity of facilities to perform such work may be limited because of competing priorities from the weapons program. DOE's resolution of any such competing priorities will be reflected in the Record of Decision for the SPD EIS.

DOE was directed by Congress (Pub. L. 105–119) to convey or transfer parcels of DOE land in the vicinity of LANL to the Incorporated County of Los Alamos, New Mexico, and the Secretary of the Interior, in trust for the San Ildefonso Pueblo. Such parcels, or tracts of land, must not be required to meet the national security mission of LANL and must also meet other criteria established by the Act. DOE has issued a Draft Environmental Impact Statement to examine the potential environmental impacts associated with the conveyance or transfer of 10 specific parcels. EPA published a Notice of Availability for the Draft Environmental Impact Statement for the Conveyance and Transfer of Certain Land Tracts Administered by the Department of Energy and Located at Los Alamos National Laboratory, Los Alamos and Santa Fe Counties, New Mexico, in the **Federal Register** on February 26, 1999.

The Site-Wide Environmental Impact Statement considers the environmental impacts of ongoing and proposed activities at LANL. DOE expects that it will continue to suggest new programs, projects, and facilities for LANL (or consider LANL as an alternative site for such facilities or activities). These new proposals will be analyzed in programmatic or project-specific NEPA reviews, as they become ripe for decision. Subsequent NEPA reviews

will make reference to, and be tiered from, the Site-wide Environmental Impact Statement; and subsequent DOE decisions on these proposals may amend this Record of Decision.

Alternatives Considered

DOE analyzed four broad alternative levels of operation at the Los Alamos National Laboratory. The four alternatives are as follows:

Alternative 1—No Action

The No Action Alternative reflects the levels of operation at LANL that are currently planned. This includes operations that provide for continued support of DOE's four primary missions, but would not include an increase in the existing pit manufacturing capacity (beyond the current capacity of 14 pits per year) nor expansion of the low-level waste disposal facility at Technical Area–54 (the remaining space in the existing Area G footprint would be used, but some low-level waste would be shipped off-site for disposal). This alternative includes the maintenance of existing capabilities, continued support/infrastructure activities, and implementation of several facility construction or modification projects throughout LANL that have previous NEPA reviews.

Alternative 2—Expanded Operations (DOE's Preferred Alternative Except for Pit Manufacturing)

The Expanded Operations Alternative would expand operations at LANL, as the need arises, to increase the level of existing operations to the highest reasonably foreseeable levels, and to fully implement the mission elements assigned to LANL. This includes the impacts of the full implementation of pit manufacturing up to a capacity of 50 pits per year under single-shift operations (80 pits per year using multiple shifts). This alternative includes the expansion of the low-level waste disposal site at Technical Area–54, including receipt of off-site wastes. In addition, this alternative includes the continued maintenance of existing and expanded capabilities, continued support/infrastructure activities, and implementation of several facility construction or modification projects at Technical Area–53 (i.e., the Long-Pulse Spallation Source, the 5-Megawatt Target/Blanket Experimental Area, the Dynamic Experiment Laboratory, and the Isotope Production Facility).

Alternative 3—Reduced Operations

The Reduced Operations Alternative reflects the minimum levels of operation at LANL considered necessary to maintain the capabilities to support DOE missions over the near-term (through the year 2007). While the capabilities are maintained under this alternative, this may not constitute full support of the mission elements currently assigned to LANL. This alternative reflects pit manufacturing at a level below the existing capacity (at 6 to 12 pits per year) and reflects shipment of much of the low-level waste generated at LANL for off-site disposal (on-site disposal would be limited to those waste types for which LANL has a unique capability at Area G). This alternative includes the maintenance of existing capabilities, continued support/infrastructure activities, and implementation of several facility construction or modification projects throughout LANL that have previous NEPA reviews; some of the projects previously reviewed under NEPA would be reduced in scope or eliminated (e.g., the Low-Energy Demonstration Accelerator would only be operated at the lower end of its energy range).

Alternative 4—''Greener''

The ''Greener'' Alternative reflects increased levels of operation at LANL in support of nonproliferation, basic science, and materials recovery/stabilization mission elements, and reduced levels of operation in support of defense and nuclear weapons mission elements. All LANL capabilities are maintained for the short term under this alternative; however, this may not constitute full support of the nuclear weapons mission elements currently assigned to LANL. This alternative reflects pit manufacturing at a level below the existing capacity (at 6 to 12 pits per year) and reflects shipment of much of the low-level waste generated at LANL for off-site disposal (on-site disposal would be limited to those waste types for which LANL has a unique capability at Area G). This alternative includes the maintenance of existing capabilities, continued support/infrastructure activities, and implementation of several facility construction or modification projects at Technical Area–53 (i.e., the Long-Pulse Spallation Source, the 5-Megawatt Target/Blanket Experimental Area, the Dynamic Experiment Laboratory, and the Isotope Production Facility.) The name and general description for this alternative were provided by interested public stakeholders as a result of the scoping process.

Preferred Alternative

In the draft Site-Wide Environmental Impact Statement, the Preferred Alternative was the Expanded Operations Alternative. In the final Site-Wide Environmental Impact Statement, the Expanded Operations Alternative is the Preferred Alternative with one modification, which involves the level at which pit manufacturing would be implemented at LANL. Under the Expanded Operations Alternative, DOE would expand operations at LANL, as the need arises, to increase the level of existing operations to the highest reasonably foreseeable levels. This expansion of operations would apply broadly to the essential science and technology activities across LANL, and would apply to the level of activity for those operations (e.g., increased throughput or increased numbers of experiments). The Expanded Operations alternative includes expansion to fully implement pit manufacturing up to the capacity of 50 pits per year under single-shift operations (80 pits per year using multiple shifts) assigned to LANL in the Record of Decision for the Stockpile Stewardship and Management Programmatic Environmental Impact Statement.

However, as a result of delays in the implementation of the Capability Maintenance and Improvement Project and recent additional controls and operational constraints applied to work conducted in the Chemistry and Metallurgy Research (CMR) Building, DOE has determined, as a matter of policy, to postpone any decision to expand pit manufacturing beyond a level of a nominal 20 pits per year in the near future (through the year 2007), and to study further methods for implementing the 50 pits per year production capacity. The revised Preferred Alternative reflects implementing pit manufacturing at the 20-pit-per-year level. This postponement does not modify the long-term goal announced in the Record of Decision for the Stockpile Stewardship and Management Programmatic Environmental Impact Statement of 50 pits per year (up to 80 pits per year using multiple shifts).

The Preferred Alternative includes the expansion of the low-level waste disposal site at Technical Area–54. The Preferred Alternative also includes the continued maintenance of existing and expanded capabilities, continued support/infrastructure activities, and implementation of several facility construction or modification projects at Technical Area–53 (i.e., the Long-Pulse Spallation Source, the 5-Megawatt Target/Blanket Experimental Area, the Dynamic Experiment Laboratory, and the Isotope Production Facility).

Environmentally Preferable Alternative

The Council on Environmental Quality, in its ''Forty Most Asked Questions Concerning CEQ's NEPA Regulations'' (46 FR 18026, 2/23/81), with regard to 40 CFR 1505.2, defined the ''environmentally preferable alternative'' as the alternative ''that will promote the national environmental policy as expressed in NEPA's Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources.''

After considering impacts to each resource area by alternative, DOE has identified Alternative 3, Reduced Operations, as the environmentally preferable alternative. Alternative 3 was identified as having the fewest direct impacts to the physical environment and to worker and public health and safety because all operations would be at the lowest levels. However, the analyses indicate that there would be very little difference in the environmental impacts among the alternatives analyzed. The major discriminators among alternatives are collective worker risks due to radiation exposure, socioeconomic effects due to LANL employment changes, and electrical power demand. Therefore, Reduced Operations would have the fewest impacts and Expanded Operations would have the most.

Environmental Impacts of Alternatives

DOE weighed environmental impacts as one factor in its decision making. DOE analyzed the potential impacts that might occur to land resources; geology, geological conditions, and soils; water resources, air quality; ecological and biological resources, human health, environmental justice, cultural resources; and socioeconomic, infrastructure, and waste management for the four alternatives. DOE considered the impacts that might occur from use of special nuclear materials, facility accidents, and the transportation of radioactive and other materials associated with LANL operations. DOE considered the impacts of projects and activities associated with each alternative, the irreversible or irretrievable commitments of resources, and the relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity.

The highest resource impacts under any of the alternatives will be to the electrical power infrastructure. Peak electrical demand under the Reduced Operations Alternative exceeds supply during the winter months and may result in periodic brownouts. Peak electrical demand under the No Action, Expanded Operations, and Greener Alternatives exceeds the power supply in both winter and summer, when this may result in periodic brownouts. (Power supply to the Los Alamos area has been a concern for a number of years, and DOE continues to work with other users in the area and power suppliers to increase supply and reduce use.)

Nonradioactive hazardous air pollutants would not be expected to degrade air quality or affect human health under any of the alternatives. The differences in activities among the alternatives do not result in large differences in chemical usage. The activities at LANL are such that large amounts of chemicals are not typically used in any industrial process at LANL (compared to what may be used in commercial manufacturing facilities); but research and development activities involving many users dispersed throughout the site are the norm. Air emissions are, therefore, not expected to change by a magnitude that would, for example, trigger more stringent regulatory requirements or warrant continuous monitoring. Radioactive air emissions change slightly, but are within a narrow range due to the controls placed on these types of emissions and the need to assure compliance with regulatory standards. The collective population radiation doses from these emissions range from about 11 person-rem per year to 33 person-rem per year across the alternatives, and the radiation dose to the maximally exposed individual ranges from 1.9 millirem per year to 5.4 millirem per year across the alternatives. These doses were considered in the human health impact analysis.

The total radiological doses from normal operations over the next 10 years to the public under any of the alternatives are relatively small and are not expected to result in any excess latent cancer fatalities (LCFs) to members of the public. Additionally, exposure to chemicals due to LANL operations under any of the alternatives is not expected to result in significant effects to either workers or the public. Exposure pathways associated with the traditional practices of communities in LANL area (special pathways) would not be expected to result in human health effects under any of the alternatives. The annual collective radiation dose to workers at LANL ranges from 170 person-rem per year to 833 person-rem per year across the alternatives. These dose levels would be expected to result in from 0.07 to 0.33 excess LCFs per year of operation, respectively, among the exposed workforce. These impacts, in terms of excess LCFs per year of operation, reflect the numbers of excess fatal cancers estimated to occur among the exposed members of the work force over their lifetimes per year of LANL operations. These impacts form an upper bound, and the actual consequences could be less, but probably would not be worse.

Worker exposures to physical safety hazards are expected to result in a range of 417 (Reduced Operations) to 507 (Expanded Operations) reportable cases each year; typically, such cases would result in minor or short-term effects to workers, but some of these incidents could result in long-term health effects or even death.

LANL employment (including the University of California employees and those of the two subcontractors with the largest employment among LANL subcontractors) ranges from 9,347 (Reduced Operations) to 11,351 (Expanded Operations) full-time equivalents across the alternatives, as compared to 9,375 LANL full-time equivalents in 1996. These changes in employment would result in changes in regional population, employment, personal income, and other socioeconomic measures. Under any of the alternatives, these secondary effects would change existing conditions in the region by less than 5 percent.

Water demand for LANL ranges from 602 million gallons (2,279 million liters) per year to 759 million gallons (2,873 million liters) per year across the alternatives; the total water demand (including LANL and the residences and other businesses and agencies in the area) is within the existing DOE Rights to Water, and would result in average drops of 10 to 15 feet (3.1 to 4.6 meters) in the water levels in DOE well fields over the next 10 years. Usage, therefore, will remain within a fairly tight range among the alternatives. The related aspect of wastewater discharges is also within a narrow range for that reason. Outfall flows range from 218 to 278 million gallons (825 to 1,052 million liters) per year across the alternatives, and these flows are not expected to result in substantial changes to existing surface or groundwater quantities. Outfall flows are not expected to result in substantial surface contaminant transport under any of the alternatives. However, since mechanisms for recharge to groundwater are highly

uncertain, it is possible that discharges under any of the alternatives could result in contaminant transport in groundwater and off the site, particularly beneath Los Alamos Canyon and Sandia Canyon, which have increased outfall flows. The outfall flows associated with the Expanded Operations and Greener Alternatives reflect the largest potential for such contaminant transport, and the flows associated with the Reduced Operations Alternative have the least potential for such transport.

There is little difference in the impacts to geology, geological conditions, and soils across the alternatives. Wastewater discharge volumes with associated contaminants do change across the alternatives, but not to a degree noticeable in terms of impacts (such as causing soil erosion, for example). Under all of the alternatives, small quantities (as compared to existing conditions) of contaminants would be deposited in soils due to continued LANL operations, and the Environmental Restoration Project would continue to remove existing contaminants at sites to be remediated. Geological mapping and fault trenching studies at LANL are currently under way or recently completed to better define the rates of fault movements, specifically of the Pajarito Fault, and the location and possible southern termination of the Rendija Canyon Fault. Ongoing and recently completed seismic hazard studies indicate that slip rates (recurrence intervals for earthquakes) are within the parameters assumed in the 1995 seismic hazards study at LANL.

There is little difference in the impacts to land resources between the No Action, Reduced Operations, and the Greener Alternatives. Differences among the alternatives are primarily associated with operations in existing facilities, and very little new development is planned. Therefore, these impacts are essentially the same as currently experienced. The Expanded Operations Alternative has very similar land resources impacts to those of the other three alternatives, with the principal differences being attributable to the visual impacts of lighting along the proposed transportation corridor between the Plutonium Facility and the Chemistry and Metallurgy Research Building (this corridor will not be built under the Preferred Alternative) and the noise and vibration associated with increased frequency of high explosives testing (as compared to the other three alternatives).

No significant adverse impact to ecological and biological resources is projected under any of the alternatives. The separate analyses of impacts to air and water resources constitute some of the source information for analysis of impacts in this area; as can be seen from the above discussion, the variation across the alternatives is not of a sufficient magnitude to cause large differences in effects. The impacts of the Expanded Operations Alternative differ from those of the other alternatives in that there is some projected loss of habitat; however, this habitat loss is small (due to limited new construction) compared to available similar habitat in the immediate vicinity.

DOE expects no environmental justice impacts from the operation of LANL under any of the alternatives, i.e., projected impacts are not disproportionately high for minority or low-income populations in the area. DOE also analyzed human health impacts from exposure through special pathways, including ingestion of game animals, fish, native vegetation, surface waters, sediments, and local produce; absorption of contaminants in sediments through the skin; and inhalation of plant materials. The special pathways have the potential to be important to the environmental justice analysis because some of these pathways may be more important or viable for the traditional or cultural practices of minority populations in the area. However, human health impacts associated with these special pathways also will not present disproportionately high and adverse impacts to minority or low-income populations.

Under all of the Site-Wide Environmental Impact Statement alternatives, there is a negligible to low potential for impacts to archaeological and historic resources due to shrapnel and vibration caused by explosives testing and contamination from emissions. Potential impacts will vary in intensity in accordance with the frequency of explosives tests and the operational levels that generate emissions (e.g., Reduced Operations would reflect the lowest potential, and Expanded Operations would reflect the highest potential). Recent assessments of prehistoric resources indicate a low potential compared to the effects of natural conditions (wind, rain, etc.). In addition to these potential impacts, the Expanded Operations Alternative includes the expansion of the low-level waste disposal site at Technical Area-54, which contains several National Register of Historic Places sites; if any significant cultural resources will be adversely effected by the undertaking, DOE will consult with the New Mexico State Historic Preservation Office and other consulting parties to resolve the adverse effect.

The potential impacts to specific traditional cultural properties would depend on their number, characteristics, and location. Such resources could be adversely affected by changes in water quality and quantity, erosion, shrapnel from explosives testing, noise and vibration from explosives testing, and contamination from ongoing operations. Such impacts would vary in intensity in accordance with the frequency of explosive tests and the operational levels that generate emissions. The current practice of consultation would continue to be used to provide opportunities to avoid or minimize adverse impacts to any traditional cultural properties located at LANL.

LANL chemical waste generation ranges from 3,173 to 3,582 tons (2,878,000 to 3,249,300 kilograms) per year across the alternatives. LANL low-level waste generation, including low-level mixed waste, ranges from 338,210 to 456,530 cubic feet (9,581 to 12,837 cubic meters) per year across the alternatives. LANL transuranic (TRU) waste generation, including mixed TRU waste, ranges from 6,710 to 19,270 cubic feet (190 to 547 cubic meters) across the alternatives. Disposal of these wastes at on-site or off-site locations is projected to constitute a relatively small portion of the existing capacity for disposal sites; disposal of all LANL low-level waste on the site would require expansion of the low-level waste disposal capacity beyond the existing footprint of Technical Area-54 Area G under all alternatives (although this is only included in the analysis of the Expanded Operations Alternative).

Radioactively contaminated space in LANL facilities would increase by about 63,000 square feet (5,853 square meters) under the No Action, Reduced Operations, and Greener Alternatives (due primarily to actions previously reviewed under NEPA but not fully implemented at the time the existing contaminated space estimate was established [May 1996]). The Expanded Operations Alternative would increase contaminated space in LANL facilities by about 73,000 square feet (6,782 square meters). The creation of new contaminated space causes a clean-up burden in the future, including the generation of radioactive waste for treatment and disposal; the actual impacts of such clean-up actions are highly uncertain because they are dependent on the actual characteristics of the facilities, the technologies

available, and the applicable requirements at the time of the cleanup.

Incident-free transportation associated with LANL activities over the next 10 years would be conservatively expected to cause radiation doses that would result in about one excess latent cancer fatality to a member of the public and two excess latent cancer fatalities to members of LANL workforce over their lifetimes under each of the Site-Wide Environmental Impact Statement alternatives. There is little variation in impacts because effects are small, and the increased transport of radioactive materials is not enough to make a significant change in those small effects.

Transportation accidents without an associated cargo release over the next 10 years of LANL operations are conservatively projected to result in from 33 to 76 injuries and 3 to 8 fatalities (including workers and the public) across the alternatives. The bounding off-site and on-site transportation accidents over the next 10 years involving a release of cargo would not be expected to result in any injuries or fatalities to members of the public for any of the alternatives. Accidents were analyzed by type of material, and the maximum quantities were selected for analysis. These parameters do not change across the alternatives. Total risk also does not change appreciably across the alternatives because the frequency of shipments does not vary enough to substantially influence the result.

The accident analyses (other than transportation and worker physical safety incidents/accidents) considered a variety of initiators (including natural and manmade phenomena), the range of activities at LANL, and the range of radioactive and other hazardous materials at LANL. Transportation accidents and the relatively frequent worker physical safety incidents/accidents were considered separately. The accidents discussed below are those that bound the accident risks at LANL (other than transportation and physical safety incidents/accidents).

The operational accident analysis included four scenarios that would result in multiple source releases of hazardous materials: three due to a site-wide earthquake and one due to a wildfire, resulting in three different degrees of consequences and one wildfire scenario. These four scenarios dominate the radiological risk due to accidents at LANL because they involve radiological releases at multiple facilities and are considered credible (that is, they would be expected to occur more often than once in a million years), with the wildfire considered likely. Another earthquake-initiated accident, labeled RAD–12, is facility-specific (to Building Technical Area–16–411) and is dominated by the site-wide earthquake accidents due to its very low frequency (about 1.5×10^{-6} per year). It is noteworthy that the consequences of such earthquakes are dependent on the frequency of the earthquake event, the facility design, and the amount of material that could be released due to the earthquake; such features do not change across the alternatives, so the impacts of these accidents are the same for all four alternatives. The risks were estimated conservatively in terms of both the frequency of the events and the consequences of such events. (In particular, it is noteworthy that the analysis assumes that any building that would sustain structural or systems damage in an earthquake scenario does so in a manner that creates a path for release of material outside of the building.) The total risk of an accident is the product of the accident frequency and the consequences to the total population within 50 miles (80 kilometers). This risk ranges from 0.046 (SITE–01, i.e., seismic event) and 0.034 (SITE–04, i.e., wildfire event) excess latent cancer fatalities per year of operation, to extremely small numbers for most of the radiological accidents. The risk for release of chemicals, such as chlorine, is calculated similarly as the product of the frequency and numbers of people exposed to greater than the selected guideline concentration, Emergency Response Planning Guideline (ERPG)–2. (ERPG–2 is the maximum airborne concentration below which it is believed that nearly all individuals could be exposed for up to 1 hour without irreversible or serious health effects or symptoms that could impair their abilities to take protective action). Under all alternatives, the risks for chemical releases range from 6.4 (SITE–01) people exposed per year of operation to extremely small numbers for some chemical releases. In general, such earthquakes would be expected to cause fatalities due to falling structures or equipment; this also would be true for LANL facilities. Thus, worker fatalities due to the direct effects of the earthquakes would be expected. Worker injuries or fatalities due to the release of radioactive or other hazardous materials would be expected to be small or modest increments to the injuries and fatalities due to the direct effects of the earthquakes.

Comments on the Final Site-Wide Environmental Impact Statement

DOE distributed approximately 500 copies of the final Site-Wide Environmental Impact Statement to Congressional members and committees, the State of New Mexico, various American Indian Tribal governments and organizations, local governments, other Federal agencies, and the general public. Comments were received from the U.S. Department of the Interior (DOI) and Chestnut Law Offices, representing San Ildefonso Pueblo. The U.S. Environmental Protection Agency (EPA) did not provide comments on the final Site-Wide Environmental Impact Statement stating in the **Federal Register** (64 FR 18901) that ''Review of the FEIS was not deemed necessary. No formal comment letter was sent to the preparing agency.''

DOI identified two areas of concern with the final Site-Wide Environmental Impact Statement. The first concern is that the Site-Wide Environmental Impact Statement does not adequately assess the direct, indirect, and cumulative effects of programs and activities associated with the continued operation of LANL either on or off the site. DOI maintains that the existing impacts from the environmental baseline should be quantified and not restricted to the evaluation of only two site-specific projects. DOI further states that while programs and activities that are proposed or under way may help to reduce adverse impacts, these programs and activities were not adequately evaluated in the Site-Wide Environmental Impact Statement.

Chapter 4 (Volume I) of the Site-Wide Environmental Impact Statement presents the environmental setting and existing conditions associated with LANL operations. The information presented in Chapter 4 forms a baseline for use in evaluating the environmental impacts of the four Site-Wide alternatives. For all alternatives, assessment of significance was accomplished both quantitatively where data and analysis were available, and qualitatively. The assessment of the potential effects, both positive and adverse, of the Expanded Operations, Reduced Operations, Greener, and No Action Alternatives was based on the degree of change from baseline conditions and was presented in Chapter 5 (Volume I) of the Site-Wide Environmental Impact Statement. DOE integrated many programs and activities, including the Natural Resources Management Plan (see Mitigation Measures), that would reduce adverse impacts in its analysis of environmental impacts.

DOI's second concern is threatened and endangered species protection at LANL. DOI does not concur with DOE's determination that implementation of

the Expanded Operation Alternative may affect but would not likely adversely affect four listed species at LANL. The DOI believes that measures necessary to reduce impacts to threatened and endangered species that are identified through the consultation process should be incorporated into the Site-Wide Environmental Impact Statement as required measures.

On April 29, 1999, subsequent to DOI's submittal of comments on the final Site-Wide Environmental Impact Statement, DOE initiated formal section 7 consultation between the DOI and DOE for DOE's proposal to expand existing operations at LANL. DOE sees this consultation process as an opportunity to further the stewardship of listed species provided by the recently implemented Threatened and Endangered Species Management Plan for LANL. Based on communications with the U.S. Fish and Wildlife Service, DOE anticipates that the Service will issue a Biological Opinion in the near future. Upon its receipt DOE will continue to coordinate with the Service the integration into the operation of LANL of any needed measures recommended in the Biological Opinion that will contribute to the welfare of listed species. DOE believes that this process should proceed on a separate, parallel track from that of the Site-Wide Environmental Impact Statement process.

The Chestnut Law Offices, representing San Ildefonso Pueblo, identified three issues of concern with the final Site-Wide Environmental Impact Statement. First, Chestnut Law Offices states that the environmental justice analysis is flawed because it divides San Ildefonso Pueblo into several different segments thereby not indicating any adverse impacts to the Pueblo. Chestnut Law Offices states that most environmental risk is at the perimeter of the laboratory directly affecting San Ildefonso Pueblo, and that the Site-Wide Environmental Impact Statement determines there is no greater impact on the Pueblo than on other disadvantaged communities. Chestnut Law Offices states that this approach in environmental justice analysis does not comply with Federal law and is inadequate.

DOE prepared the environmental justice analysis in accordance with guidance from the Council on Environmental Quality and Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The segments referred to in the comments were used to identify and highlight the locations of low-income and/or minority populations for the impact analyses. Using this tool, the San Ildefonso Pueblo was identified as housing minority and/or low-income populations for consideration in the Environmental Justice analysis. DOE has not identified any disproportionately high and adverse human health or environmental impacts on minority or low-income populations under any of the alternatives analyzed in the Site-Wide Environmental Impact Statement. To the extent that there is a potential for adverse impacts, DOE analysis has shown that most of the impact would affect all populations equally. In the cases of air emissions and on-site transportation, the residential populations nearest to LANL, which have a relatively low percentage of minority and low-income populations, would be affected to a greater extent than other populations within the 50-mile radius.

The impacts addressed in the environmental justice analysis in the Site-Wide Environmental Impact Statement include land resources, geology, soils, water resources, ecological resources, air quality, human health, waste management, socioeconomic, and transportation. This analysis includes the projected impacts due to contamination in the area from past LANL activities. As part of its human health impact analysis, DOE looked at potential exposure through special pathways, including ingestion of game animals, fish, native vegetation, surface waters, sediments, and local produce; absorption of contaminants in sediments through the skin; and inhalation of plant materials. For LANL, the special pathways influence the environmental justice analysis because some of these pathways are more important or viable to the traditional or cultural practices of minority populations in the area. Even considering these special pathways, DOE did not find disproportionately high and adverse health impacts to minority or low-income populations.

The Chestnut Law Offices' second concern is groundwater contamination due to LANL activities. The Chestnut Law Offices states that the final Site-Wide Environmental Impact Statement does not address the recent groundwater contamination but downplays it, and that this section of the Site-Wide Environmental Impact Statement should be re-evaluated.

DOE believes that drinking water quality in the Los Alamos area continues to meet all Federal and New Mexico chemical and radiological standards. In February 1999 DOE discovered, as part of implementing the Hydrogeologic Workplan (the multi-year effort to characterize the flow and extent of contamination of the main aquifer), high explosives contamination while drilling a well (R–25) in the western part of the Laboratory. Based on current knowledge, DOE believes it will take at least 50 years for these contaminants to reach the drinking water production wells approximately three and a half miles to the East of R–25. DOE has and will continue to sample the drinking water to ensure it is safe. Groundwater monitoring data from implementation of the Hydrogeologic Workplan is still under review and evaluation. As new information becomes available, the LANL Environmental Surveillance and Compliance Program will be revised to incorporate the additional data.

Chestnut Law Offices' third concern is that the Site-Wide Environmental Impact Statement does not consider the shutdown of the low-level waste disposal area, Area G, a reasonable alternative. The commentor states the alternatives in the Site-Wide Environmental Impact Statement are based on the assumption that LANL will be a regional low-level waste disposal site. The commentor believes the Site-Wide Environmental Impact Statement does not analyze the possibility that another site may be chosen as the regional low-level waste disposal site, thereby providing the opportunity for the waste to be removed from Area G. The commentor states this is a serious flaw since it does not anticipate a clearly reasonable alternative in light of existing planning documents.

The shutdown of the low-level waste disposal area, Area G, was not considered a reasonable alternative for analysis in the Site-Wide Environmental Impact Statement because Area G has a unique capability for the disposal of certain wastes generated by LANL. Such wastes include classified wastes and other wastes that would be difficult to transport to other sites. The Expanded Operations Alternative was the only alternative that analyzed the impacts of LANL being chosen as a regional low-level waste disposal site.

Under the Waste Management Programmatic Environmental Impact Statement, which evaluated locations for treatment and disposal of low-level radioactive waste and mixed low-level radioactive waste, these wastes would be treated on the site at LANL and disposed of at a regional site to be determined after consultation with stakeholders. One of the potential regional disposal sites for low-level waste is LANL. Therefore, in the Expanded Operations Alternative, the Site-Wide Environmental Impact

Statement addressed treatment and disposal of LANL-generated low-level waste, as well as disposal of off-site generated low-level waste. The Expanded Operations Alternative analyzes the environmental impacts and the footprint needed at Area G to allow for the implementation of this alternative.

If LANL is not selected as a regional disposal site, some low-level waste could be sent off-site for disposal, as reflected in the No Action, Reduced, and Greener Alternatives. The current low-level waste capacity available at Area G is limited. If LANL were selected as a regional disposal site, the expansion of Area G would occur at the fastest rate. If LANL continues to dispose of its own wastes, the expansion would still occur, but at a slower rate. Currently LANL generates some low-level waste that, primarily because of its size and shape, does not meet the acceptance criteria for disposal at other DOE sites, such as the Nevada Test Site. However, the decision as to the ultimate treatment and disposal of low-level waste and mixed low-level waste will be made in a Record of Decision for the Waste Management Programmatic Environmental Impact Statement.

It should also be noted that the EPA, State of New Mexico, and representatives of the Pueblos (four Accord Pueblos) near LANL were invited to review and comment on the Classified Supplement for the Draft Site-Wide Environmental Impact Statement (EPA declined the invitation). Comments from that review were received shortly after the final Site-Wide Environmental Impact Statement was issued. This final Classified Supplement and all comments provided were considered in reaching the decisions in this Record of Decision.

Other Decision Factors

As noted in the final Site-Wide Environmental Impact Statement, LANL houses unique facilities and expertise that have been developed over the past 50 years. These have served several National Security and other national needs in the past. It is expected that, for the foreseeable future, the U.S. will maintain a nuclear weapons stockpile and require ''cutting edge'' science and manufacturing capabilities to address issues of national importance for the maintenance of that stockpile and for other purposes, including assuring the safety and reliability of that stockpile. The unique facilities and expertise at LANL are needed to assist in finding solutions to these issues. As noted in the final Site-Wide Environmental Impact Statement, LANL's role in supporting DOE's missions has expanded as the DOE nuclear weapons complex has been downsized over the last decade. Additionally, it is expected that there will be continued emphasis on applying the unique capabilities at LANL to support DOE's basic science mission and to apply technologies developed in DOE laboratories to improve the U.S. technological position and competitiveness. These factors were also considered (in addition to the human health and environmental impact information discussed above) in reaching this Record of Decision.

Decisions

DOE has decided to continue to operate LANL for the foreseeable future and to expand the scope and level of its operations at LANL. DOE is implementing the Preferred Alternative, that is Alternative 2, Expanded Operations, but with pit production limited to a capacity that can be accommodated within the limited space currently set aside for this activity in the plutonium facility (estimated at nominally 20 pits per year). This alternative reflects a broad expansion of science and technology research, and applications of this research to a variety of issues of national importance; this alternative also includes the continued maintenance of existing and expanded capabilities, and continued support/infrastructure activities. The following discussion describes the major actions to be taken, with an emphasis on those areas that have had the most extensive programmatic or public interest.

It should be noted that the decisions in this Record of Decision will be reflected in DOE budget requests and management practices. However, the actual implementation of these decisions is dependent on DOE funding levels and allocations of DOE budget across competing priorities.

Pit Production and Other Plutonium Operations

DOE remains committed to meeting pit production requirements to support the enduring nuclear weapons stockpile. As part of its implementation of the Preferred Alternative, DOE will establish, over time, a pit production capability at LANL with a capacity of nominally 20 pits per year; this decision reflects an intent to establish a pit production capability at LANL within the existing floor space set aside for this operation (about 11,400 ft^2 [1060 m^2]). This will eliminate the need to transfer several Technical Area-55 plutonium operations (to ''make room'' for pit production activities in Technical Area-55) either to the CMR Building, or to newly constructed nuclear space, as contemplated in the Site-Wide Environmental Impact Statement. Thus, the Preferred Alternative for Pit Production can be implemented without an expansion of the plutonium operations floor space at LANL. The exact production capacity of this floor space is not known with certainty (pending process optimization studies), but has been characterized as nominally 20 pits per year. This level provides adequate capacity to meet the near-term pit production requirements to maintain the enduring stockpile (about 20 pits per year), as expressed in the Record of Decision for the Stockpile Stewardship and Management Programmatic Environmental Impact Statement. While this does not change the 50-pit-per-year mission assignment made in the Stockpile Stewardship and Management Programmatic Environmental Impact Statement Record of Decision, it does suspend full implementation of that decision until an undetermined time in the future.

Implementation of the pit production mission at LANL will be phased. The first pit for delivery to the U.S. nuclear weapons stockpile will be made in 2001. It is expected that, through equipment installation in existing facilities, the limited production capacity of nominally 20 pits per year will be achieved in 2007. At these levels of production, there is no need to move plutonium operations from the Plutonium Facility, Technical Area-55, to the CMR Building, and there is no need to construct a corridor between Technical Area-55 and Technical Area-3. Thus, DOE has decided not to move these operations or construct the road at this time.

Chemistry and Metallurgy Research Building—As the Site-Wide Environmental Impact Statement was being prepared, DOE was working on two sets of information associated with CMR operations: (1) Establishment of a modern authorization basis for these operations (referred to as the CMR Basis for Interim Operations, or BIO); and, (2) studies of the seismicity of the Technical Area-55 and Technical Area-3 areas. Both sets of information are included in the impact analyses in the Site-Wide Environmental Impact Statement (where details were not known, the analyses in the Site-Wide Environmental Impact Statement were, in fact, bounding of the details determined through these efforts). Through this effort, it became apparent that the subprojects included in the CMR Upgrades Construction Project should be reprioritized and oriented to provide for the continued safe operation

of the CMR Building through about 2010. The single most substantive change in this project was to replace the proposed seismic upgrades with a combination of material containerization, a reduction in the amount of Material at Risk (or MAR, which is the amount of in-process material that would be subject to release if there were a catastrophic accident), and a substantial reduction in the amount of combustible material allowed in the CMR Building. With these controls in place, the worst-case plausible accidents involving the CMR Building would have minimal effects on public health (effects would be within applicable guidelines intended to protect human health).

The 1996 Stockpile Stewardship and Management Programmatic Environmental Impact Statement analyzed the environmental impacts of locating a pit manufacturing capability at either LANL or the Savannah River Site. In December 1996, DOE issued a Record of Decision reestablishing the pit manufacturing mission at LANL. In August 1998, the U.S. District Court for the District of Columbia, while ruling in DOE's favor in litigation challenging the adequacy of the Stockpile Stewardship and Management Programmatic Environmental Impact Statement, directed DOE to take another look at certain new studies regarding seismic hazards at LANL, and to provide a factual report and technical analysis of the plausibility of a building-wide fire at LANL's plutonium facility (PF–4 at Technical Area-55). The Court directed that DOE prepare a Supplement Analysis, pursuant to DOE's NEPA regulations (10 CFR 1021.314(c)), to help determine whether a supplemental Stockpile Stewardship and Management Programmatic Environmental Impact Statement should be issued to address these studies. These seismic studies have been released to the public and are examined in more detail in the draft Supplement Analysis released for public review and comment on July 1, 1999. On September 2, 1999, DOE issued a final Supplement Analysis and determined that none of the issues analyzed in the Supplement Analysis represents substantial changes to the actions considered in the Stockpile Stewardship and Management Programmatic Environmental Impact Statement, nor do those issues provide significant new information relevant to the environmental concerns discussed in that Programmatic Environmental Impact Statement. Therefore no supplement to that Programmatic Environmental Statement is required.

Secondaries

While LANL was considered as a production site for secondaries (components of a nuclear weapon that contains elements needed to initiate the fusion reaction in a thermonuclear reaction) in the Stockpile Stewardship and Management Programmatic Environmental Impact Statement, this mission was assigned to the Y–12 plant at Oak Ridge, Tennessee. However, DOE expects LANL to maintain an understanding of secondary production technologies, as well as the characteristics of War Reserve secondaries in the stockpile.

Tritium

LANL will continue to support both research and development and production activities involving tritium (neutron tube target loading for nuclear weapons stockpile components). These will include development of new reservoirs and reservoir fill operations, surveillance and performance testing on tritium components, tritium recovery and purification technologies, and production operations associated with neutron generator production for the stockpile. The expansion of these activities results in: (1) tritium throughputs on an annual basis increase by a factor of up to 2.5; and (2) the on-site inventory of tritium increases by a factor of 10.

High Explosives Processing and Testing

Operations in this area will increase such that annual explosives throughput will increase to about 82,700 pounds, and the annual mock explosives throughput will increase to about 2,910. These quantities include continued research, development, and fabrication of high-power detonators, including support of up to 40 major product lines per year in support of the Stockpile Stewardship and Management program. In addition, the number of hydrodynamic tests will increase to about 100 per year; the annual amount of depleted uranium will increase to about 6,900 pounds.

Accelerator Operations

DOE will implement several facility construction or modification projects at Technical Area–53: the Long-Pulse Spallation Source, the 5-Megawatt Target/Blanket Experimental Area, the Dynamic Experiment Laboratory, and the Isotope Production Facility.

Expansion of Technical Area–54/Area G Low-Level Waste Disposal Area

As part of the implementation of the Preferred Alternative, DOE will continue the on-site disposal of LANL generated low-level waste using the existing footprint at Area G low-level waste disposal area and will expand disposal capacity into Zones 4 and 6 at Area G (this expansion would cover up to 72 acres [29 hectares]). DOE will develop both Zones 4 and 6 in a step-wise fashion, expanding these areas as demand requires.

Mitigation Measures

The Site-Wide Environmental Impact Statement included a discussion of existing programs and plans and controls built into the operations at LANL, including operating within applicable regulations, DOE Orders, contractual requirements and approved policies and procedures. The following discussion outlines the mitigation measures that DOE will undertake to reduce the impacts of continuing to operate LANL at the levels outlined in this Record of Decision.

Electrical Power

The Site-Wide Environmental Impact Statement recognizes the need for an increase in electrical power supply and reliability under the Preferred Alternative as well as other alternatives analyzed. The impact analyses emphasize the severity of these issues and consequences if they are not resolved, e.g., brownouts. Solutions to power supply issues are essential to mitigate the effects of power demand under all alternatives. An operating plan for improved load monitoring, equipment upgrades, and optimization of some available power sources was discussed. Additional measures under consideration by DOE include: (1) Limiting operation of large users of electricity to periods of low demand, and contractual mechanisms to bring additional electric power to the region and some form of on-site cogeneration as an incremental resource. DOE and other users of electrical power in the area have been working with suppliers to resolve these foreseeable power and reliability issues. One solution under consideration for improved reliability is the provision of a third power line from the existing Public Service Company of New Mexico Norton substation to the existing LANL substations. This solution could include a new LANL substation. In any case, DOE is committed to manage electric power demands to prevent periods of brownouts by adjusting to the limitations of available power until a solution for a long-term increase in power is in place. DOE is also committed to approve and begin implementing a Utility Procurement Plan by November 1999.

Water Supply and Demand

Prior to September 8, 1998, DOE supplied all potable water for LANL, Bandelier National Monument, and Los Alamos County, including the towns of Los Alamos and White Rock. This water was derived from DOE's groundwater right to withdraw 5,541.3 acre-feet or about 1,806 million gallons of water per year from the main aquifer. On this date, DOE leased these rights to the County of Los Alamos. This lease also included DOE's contracted annual right obtained in 1976 to 1,200 acre-feet of San Juan-Chama Transmountain Diversion Project water. This lease agreement is effective for three years, at which point DOE expects to convey 70 percent of the water right to the County of Los Alamos and lease the remaining 30 percent to them. The San Juan-Chama rights will be transferred in their entirety to the County. On several occasions since 1986 through 1998, LANL operations have exceeded 30 percent of the total DOE annual water right. The agreement between DOE and the County does not preclude provision of additional waters in excess of the 30 percent agreement, if available. However, the agreement also states that should the County be unable to provide water to its customers, the County shall be entitled to reduce water services to DOE in an amount equal to the water rights deficit.

DOE is committed to managing water demand to prevent exceedances of DOE water rights. LANL will develop and implement by June 2000 procedures to assure that all new projects will implement water conservation design and techniques. LANL will also develop water conservation goals and begin implementing them by October 2001.

Waste Management

DOE is committed to the proper management and minimization of all wastes. LANL will integrate waste minimization into Integrated Safety Management by October 2000. By June 2000 LANL will develop and implement procedures to assure that all new projects will implement waste minimization for TRU and mixed TRU waste streams. In addition LANL will reduce by December 2005 waste from routine operations by 80% using 1993 as a baseline for hazardous, low-level radioactive, and mixed low-level radioactive wastes. Also, LANL will recycle 40% of sanitary waste from routine operations by December 2005.

LANL will also purchase EPA-designated items with recycled content according to the conditions of Executive Order 12873. A LANL Implementing Requirement for waste minimization activities is currently in draft.

Wildfire

The final Site-Wide Environmental Impact Statement included an accident scenario from a wildfire that was initiated on land adjacent to LANL and spread to the LANL site. The analysis concluded that a major fire is not only credible but also likely. The current and future risks of wildfires at LANL can only be mitigated through purposeful environmental intervention and active land management. LANL will develop by December 1999 a preliminary program plan for comprehensive wildfire mitigation, including construction and maintenance of strategic fire roads and fire breaks, creation of defensible space surrounding key facilities, and active forest management to reduce fuel loadings. LANL will prepare and begin implementation of a long-term strategy for wildfire mitigation actions before the start of the 2000 fire season.

Cultural Resources

DOE is committed through ongoing consultation processes with affected Native American tribes to ensure protection of cultural resources and sites of cultural, historic, or religious importance to the tribes. With input from the tribes participating in the Los Alamos Pueblos Project (LAPP), DOE will develop a strategy to increase the understanding of traditional cultural properties at LANL, to determine strategies for the long-term management of identified traditional cultural properties and sacred sites and to determine appropriate mitigation measures for specific traditional cultural properties. The strategies could include the development of access agreements to traditional cultural properties and sacred sites. In the past, attempts to identify specific traditional cultural properties at LANL have encountered concerns from traditional groups because of the potential for increased risk to these resources if they are individually identified; thus, DOE will explore the potential benefits and risks of such a study, and options to such a study, with the LAPP tribes. This approach is intended to ensure appropriate respect and consideration regarding cultural concerns, while attempting to provide the information and ability to mitigate or avoid potential impacts to traditional cultural properties (which are currently not specifically known, to a large extent). The goal of the consultation and coordination would be an agreement with the relevant Native American tribes for the management of these resources.

DOE will complete an Integrated Cultural Resource Management Plan (ICRMP) by April 2002. The ICRMP will detail how LANL will manage, preserve, and protect cultural resources within the scope of Federal and State laws, regulations, Executive Orders, standards, as well as to the extent practicable, follow Tribal criteria and guidelines. The ICRMP will provide a basis for a unified approach to address the multiplicity of cultural resources located on LANL lands. The plan will serve to streamline many of the administrative steps required by Federal and State laws and regulations. The scope of activities for the ICRMP would include development of the plan, completion of surveys of archeological resources and historic buildings, and implementation of long-term monitoring.

Natural Resources

DOE will develop and begin implementation of an integrated Natural Resources Management Plan (NRMP) by October 2002, which will integrate the principles of ecosystem management into the critical missions of LANL to conserve ecosystem processes and biodiversity. The NRMP will support DOE's policy to manage all of its land and facilities as valuable national resources. This stewardship will integrate LANL's mission and operations with its biological, water, soil, and air resources in a comprehensive plan that will guide land and facility use decisions. The plan will consider the site's larger regional context and be developed in consultation with regional land managing agencies and owners (particularly Bandelier National Monument, Santa Fe National Forest, and Native American Pueblos), State agencies, and the U.S. Fish and Wildlife Service. This cooperative effort will ensure a consistent, integrated, and structured approach to regional natural resource management.

The NRMP is viewed as a sequenced planning document that will include specific tasks and studies as part of the process of development. It will include new initiatives as well as integrating ongoing programs, plans, and activities at LANL, some of which may be reassessed to ensure their contribution to the goals and objectives of integrated ecosystem management.

Mitigation Action Plan

In accordance with 10 CFR 1021.331, DOE is preparing a Mitigation Action Plan that will identify specific actions

needed to implement these mitigation measures and provide schedules for completion. These mitigation measures represent all practicable means to avoid or minimize harm from the alternative selected.

Conclusion

DOE has considered environmental impacts, stakeholder concerns, and National policy in its decisions regarding the management and use of LANL. The analysis contained in the Site-Wide Environmental Impact Statement is both programmatic and site specific in detail. It is programmatic from the broad multi-use facility management perspective and site specific in the detailed project and program activity analysis. The impacts identified in the Site-Wide Environmental Impact Statement were based on conservative estimates and assumptions. In this regard, the analyses bound the impacts of the alternatives evaluated in the Site-Wide Environmental Impact Statement. The Expanded Operations Alternative was defined to include activities to implement the programmatic decisions made or that may be made as a result of other DOE Environmental Impact Statements (some of which are currently in progress). This Site-Wide Environmental Impact Statement and the analyses it contains can be used to support these future programmatic or project decisions.

In accordance with the provisions of NEPA, its implementing procedures and regulations, and DOE's NEPA regulations, I have considered the information contained within the Site-Wide Environmental Impact Statement, including the classified supplement and public comments received in response to the final Site-Wide Environmental Impact Statement. Being fully apprised of the environmental consequences of the alternatives and other decision factors described above, I have decided to continue and expand the use of LANL and its resources as described. This will enhance DOE's ability to meet its primary National security mission responsibility and create an environment that fosters technological innovation in both the public and private sectors.

Issued at Washington, DC, September 13, 1999.

Thomas F. Gioconda,

Brigadier General, USAF, Acting Assistant Secretary for Defense Programs.

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DEPARTMENT OF ENERGY

Withdrawal of Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Minnesota Agri-Power Plant and Associated Facilities

AGENCY: Department of Energy.

ACTION: Notice of withdrawal.

SUMMARY: On October 7, 1998 (63 FR 53885), U.S. Department of Energy (DOE) and the Minnesota Environmental Quality Board [MEQB, a Minnesota State agency] announced its intent to prepare a joint Environmental Impact Statement (EIS) regarding a proposal by the Minnesota Valley Alfalfa Producers (MnVAP) to construct and operate a 75–103 megawatt biomass fueled gasifier and electric generating facility, known as the Minnesota Agri-Power Plant (MAPP), and associated transmission lines and alfalfa processing facilities. After careful review of this proposed biopower gasification project, DOE has determined that it will no longer participate in the cooperative agreement with MnVAP. This determination terminates DOE's financial support for the MAPP project, thus DOE will not provide funding toward the cost of constructing the proposed biomass power plant and the associated alfalfa processing facilities. As a result of DOE's decision not to fund the construction of the power plant and the associated processing facilities, there is no longer a federal requirement to conduct an EIS. Accordingly, DOE is withdrawing its notice of intent to prepare an EIS.

FOR FURTHER INFORMATION CONTACT: For general information on the DOE's NEPA process, please contact: Ms. Carol Borgstrom, Director, Office of NEPA Policy and Assistance, EH–42, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585–0119, Phone: 202–586–4600 or leave a message at 1–800–472–2756.

For general information about the NEPA process relating to MnVAP's proposed biopower gasification project, please contract Mr. Tim Howell, Acting NEPA Compliance Officer, U.S. Department of Energy, Golden Field Office, 1617 Cole Blvd., Golden, CO 80401; Telephone: 303–275–4700 or toll-free 1–800–644–6735 extension 4700; Fax: 303–275–4790; E-mail: tim—howell@nrel.gov.

For information regarding the MEQB process please contact: Mr. John Hynes, Permit Compliance Officer, Minnesota Environmental Quality Board, 300 Centennial Building, St. Paul, Minnesota 55155, Phone: 651–296–4095, Fax: 651–296–2871, E-mail: john.hynes@mnplan.state.mn.us.

SUPPLEMENTARY INFORMATION: MnVAP is a farmer-owned cooperative, incorporated in 1994 to increase the value of farm products grown in and near the State of Minnesota. In response to a joint Department of Energy and U.S. Department of Agriculture, Solicitation for Financial Assistance for Biomass Power for Rural Development (DE–PS36–95GO10052), MnVAP submitted a proposal to establish Minnesota Agri-Power as a limited liability corporation, with MnVAP as the majority stock holder, for the purposes of siting, constructing, and operating a 75–103 megawatt power plant fueled with gasified alfalfa stems. DOE selected the MnVAP project as one of several promising efforts to meet the goals of the Energy Policy Act of 1992 to develop and ultimately commercialize biomass energy systems for the purposes of positively affecting global climate change and the revitalization of rural America. Under the terms of the solicitation, MnVAP and DOE would each share the financial burden of taking a biomass gasification technology from the demonstration phase to full commercial production.

The proposed power plant was to partially meet the Minnesota ''Biomass Power Mandate,'' Minnesota State Law, 216B.2424, which requires that:

> A public utility * * * that operates a nuclear-powered electric generating plant within this state must construct and operate, purchase, or contract to construct and operate (1) by December 31, 1998, 50 megawatts of electric energy installed capacity generated by farm-grown closed-loop biomass scheduled to be operational by December 31, 2001; and (2) by December 31, 1998, an additional 75 megawatts of installed capacity so generated scheduled to be operational by December 31, 2002.

The MAPP project, as proposed, was to use an ''integrated gasification combined-cycle'' or IGCC system where the gasifier would process approximately 1,100 tons of alfalfa stems per day (i.e., this would produce approximately 750 million British thermal units per hour). As proposed, the gross output of the power plant could be as high as 103 megawatts. The alfalfa stems were to be rapidly heated in the gasifier to approximately 1,650 degrees Fahrenheit to produce alfalfa gas, cooled to 1,020 degrees Fahrenheit, and then cleaned to meet air quality standards and the requirements for the combustion turbine. The combustion turbine was to be designed to operate efficiently on the low energy biomass fuel produced by the gasifier unit with