

Tri-Valley CAREs

Communities Against a Radioactive Environment

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since 1983*

NNSA/SSO
SWEIS Document Manager
P.O. Box 5400
Albuquerque, NM 87185

September 12, 2011

Re: Tri-Valley CAREs Scoping Comment on Site-Wide Environmental Impact Statement (SWEIS) for the operation of facilities and activities at Sandia National Laboratories (SNL) and other DOE operations in Albuquerque, New Mexico, for a 5- to 10-year period commencing in 2011

To the Sandia SWEIS Document Manager,

Tri-Valley CAREs is a non-profit organization founded in 1983 by Livermore, California area residents. We research and conduct public education and advocacy regarding the potential environmental, health and proliferation impacts of the Department of Energy (DOE) nuclear weapons complex, including the Sandia National Laboratory (SNL)-California site, and the Lawrence Livermore National Laboratory (LLNL).

Among its activities, Tri-Valley CAREs and its 5,600 members monitor the operations and future plans of the SNL-California site. As our foremost scoping comment on the Sandia SWEIS, we note two things: First, that the SNL-California site is out of compliance with the National Environmental Policy Act (NEPA) and, second, that the Sandia SWEIS process to date does not comply with the law because it does not address the SNL-California site. This SWEIS must be re-scoped to address the SNL-California site's lack of appropriate NEPA review as well as its connected actions and cumulative impacts vis a vis the SNL-Albuquerque site - and, possibly, other Sandia site locations as well.

To comment, first, on the SNL-California site's lack of compliance with NEPA, here is the relevant chronology. In 1992, DOE piggybacked the SNL-California site on to the LLNL SWEIS and did a combined analysis. However, in 2005, DOE published a new SWEIS and Record of Decision for the LLNL site. The SNL-California site was not part of that NEPA process, and so it confers no NEPA coverage to the SNL-California site.

In 2003, DOE conducted a lower-level Site-Wide Environmental Assessment (SWEA) for the SNL-California site, with little to no public participation. When Tri-Valley CAREs requested a copy of the SWEA in order to prepare comments during this scoping period, we were told that none was available (and that the official could not find the 2003 SWEA anywhere!). When Tri-Valley CAREs then asked if the SWEA was available on-line, we were told no, it is not available

on line, despite its status as the most recent National Environmental Policy Act document for the site.

In sum, we were told that the 2003 SWEA could not be located and is not publicly available, at all, period (thus making public comment on it during this scoping period problematic to say the least!). Tri-Valley CAREs was then told by the SNL, Albuquerque Office of Counsel that there is a belated Supplement Analysis to that apparently missing SWEA due out sometime later this year.

Tri-Valley CAREs is concerned at the extreme laxity with which DOE is approaching the NEPA coverage for the SNL-California site and we offer the following comments: One, a low-level environmental assessment is not the appropriate level of NEPA coverage for the SNL-California site. Thus, the only proper conclusion of the pending Supplement Analysis for the SWEA is that a more rigorous NEPA review is needed to comply with the law. And, second, a 2003 review is out of date in any case. To state it concisely, DOE has allowed its NEPA coverage for the SNL-California site to slip to the point of being wholly and woefully out of compliance with the law.

Further, we note that the environmental impacts of SNL-California's operations are significant, both in their own right and when viewed cumulatively with those of SNL Albuquerque (and, possibly, other Sandia locations). Due to the significant connections between SNL Albuquerque and SNL-California operations, the SWEIS for which this is the scoping period must be re-scoped to include the SNL-California site at a minimum in order to adequately capture the connected actions and cumulative impacts. Similarly, other Sandia locations should also be considered for inclusion in the SWEIS.

Fully including SNL-California in the Sandia SWEIS is the "floor" of required NEPA coverage, not the ceiling. The DOE may conclude that the SNL-California site also requires its own stand alone EIS. We are not precluding that possibility. We are stating, however, that a failure to re-scope and include the SNL-California site in the Sandia SWEIS will simultaneously continue the situation in which the SNL-California site is out of compliance with NEPA and render this SWEIS legally inadequate due to its lack of analysis of potentially significant Sandia-wide connected actions and cumulative impacts.

Thus, we request that the scope of the SWEIS for the operation of facilities and activities at SNL for a 5- to 10-year period commencing in 2011 be expanded to fully include an analysis of the environmental impacts of the SNL-California site.

We further request that the new scope of the Sandia SWEIS be properly noticed in the Federal Register and that at least one public scoping meeting be held in Livermore, California (similar to those already held in NM). We note in this regard that we Californians deserve no less opportunity to comment and participate in the NEPA process than our counterparts in New Mexico.

We appreciate your consideration of this scoping comment letter. We look forward to an early and timely determination to re-scope the SWEIS to include the SNL-California site and other Sandia locations that, like SNL-California, may have significant connected actions and cumulative impacts.

Note: Other SNL sites that should be considered for inclusion include but may not be limited to the Kauai Test Facility (Hawaii), Tonopah Test Range (Nevada), and the Joint BioEnergy Institute (Emeryville, California).

Thank you for your consideration.

Sincerely,

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