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**ATTACHMENT 2:**  
**NOTICE OF INTENT**

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[Federal Register: September 25, 1998 (Volume 63, Number 186)]

[Notices]

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DEPARTMENT OF ENERGY

Supplemental Environmental Impact Statement for the Programmatic  
Environmental Impact Statement for Stockpile Stewardship and Management

AGENCY: Department of Energy (DOE).

ACTION: Notice of intent.

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SUMMARY: The Department of Energy announces its intent to prepare and issue a Supplemental Environmental Impact Statement (SEIS) for the National Ignition Facility (NIF) portion (Volume III, Appendix I) of the Programmatic Environmental Impact Statement for Stockpile Stewardship and Management (DOE/EIS-0236; September, 1997). The SEIS is being prepared pursuant to a Joint Stipulation and Order approved and entered as an order of the Court on October 27, 1997, in partial settlement of the lawsuit NRDC v. Pena, Civ. No. 97-936 (SS) (D.D.C.). The scope of the SEIS was established by the Joint Stipulation and Order and will cover, "the reasonably foreseeable significant adverse environmental impacts of continuing to construct and of operating NIF at LLNL with respect to any potential or confirmed contamination in the area by hazardous, toxic, and/or radioactive materials."

FOR FURTHER INFORMATION CONTACT: For further information about this SEIS or to be placed on the document distribution list, please call, toll-free, (877) 388-4930 or call or write Charles A. Taylor as indicated below: Charles A. Taylor, Document Manager, U.S. Department of Energy, L-293, 7000 East Avenue, P.O. Box 808, Livermore, CA 94550, Phone (925) 423-3022, Facsimile (925) 424-3755.

For information about the DOE National Environmental Policy Act (NEPA) process, please contact: Carol Borgstrom, Director, Office of NEPA Policy and Assistance (EH-42), U.S. Department of Energy, 1000 Independence Ave, SW, Washington, DC 20585-0119, Phone: (202) 586-4600, Messages: (800) 472-2756, Facsimile: (202) 586-7031.

## SUPPLEMENTARY INFORMATION:

### I. Background

The Lawrence Livermore National Laboratory (LLNL) was established in 1952 as a multi-disciplinary research and development center, operated by the University of California for the Department of Energy. LLNL is located in Livermore, California, about 40 miles southeast of San Francisco, California. LLNL consists of two portions, the main site in Livermore and the 300 Area near Tracy, California. The NIF is being constructed at the LLNL main site.

The National Ignition Facility is a part of the DOE's development of science-based, rather than underground nuclear test-based, stewardship of the nuclear weapons stockpile. In NIF, nuclear fusion of very small amounts of hydrogen isotopes is expected to be achieved using the energy inherent in laser light. The environmental consequences of construction and operation of NIF were addressed in detail in Appendix I of the Stockpile Stewardship and Management Programmatic EIS (SSM PEIS). The SSM PEIS addressed alternative plans for DOE's defense program activities related to nuclear weapons stockpile issues at several DOE laboratories, including LLNL. The Record of Decision (ROD) for the SSM PEIS was published in the Federal Register on December 26, 1996 (61 FR 68014). In the ROD, DOE announced a decision to proceed with construction and operation of NIF at LLNL. Ground-breaking for NIF occurred on May 29, 1997. Construction of the NIF is on-going and is expected to be completed by October 2003.

During site excavation for NIF in September 1997, buried electrical capacitors containing polychlorinated biphenyls and other items (buried drums that on analysis contained no hazardous, toxic and/or radioactive material) were discovered at the site. Several of the capacitors had leaked, contaminating surrounding soil. The capacitors and surrounding soil were cleaned up in accordance with State and Federal regulations. The possibility of such an event was unforeseen and therefore not addressed in the SSM PEIS. On September 22, 1997, the plaintiffs in *NRDC v. Pena* filed a motion under Rule 60(b) of the Federal Rules of Civil Procedure, in which they alleged that DOE knew but did not adequately analyze and disclose the risk of building NIF in an area that may contain buried hazardous, toxic, and/or radioactive waste. DOE denied the allegations in the plaintiffs' motion. In the Joint Stipulation and Order, which settled all claims in the plaintiffs' Rule 60(b) motion, DOE agreed to conduct a full evaluation of any potential risks to the human environment resulting from continuing to construct and operating the NIF at LLNL. Subsequent characterization activities that DOE conducted pursuant to the Joint Stipulation and Order, in order to determine if hazardous, toxic, and/or radioactive materials were buried in the northeast corner of LLNL, are complete. The results of these activities will be analyzed in the SEIS. Progress of the characterization activities was documented to the Court in the form of Quarterly Reports. These Quarterly Reports, along with a copy of the Joint Stipulation and Order is available at the LLNL Public Reading Room, East Gate Visitors Center, Greenville Road, Livermore, CA, or by calling Charles Taylor at the phone number provided at the beginning of this notice.

### II. SEIS Schedule

In light of the Court's direction for the scope of this Supplemental EIS, no scoping meeting will be held. However, comments are welcome; please send comments to Charles

Taylor at the address above. DOE expects to publish a Notice of Availability for the Draft SEIS in the Federal Register in December 1998. Public comments on the Draft SEIS will be received during a comment period of at least 45 days following publication of the Notice of Availability. The Notice of Availability will provide dates for public meetings that will be held in Livermore, California and Washington, DC approximately 30 days after the Notice of Availability is published. The draft and final SEIS will not contain any classified data.

Issued in Washington, DC on September 21, 1998.

Peter N. Brush,

Acting Assistant Secretary, Environment, Safety and Health.

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