
**Department of Energy
National Nuclear Security Administration
Finding of No Significant Impact
for the
Proposed Construction and Operation of a
Biosafety Level 3 Facility at
Los Alamos National Laboratory,
Los Alamos, New Mexico**

**U. S. Department of Energy
National Nuclear Security Administration
Office of Los Alamos Site Operations
528 35th Street
Los Alamos, NM 87544**

DEPARTMENT OF ENERGY,
NATIONAL NUCLEAR SECURITY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT

Proposed Construction and Operation of a Biosafety Level 3 Facility
at Los Alamos National Laboratory,

FINAL ENVIRONMENTAL ASSESSMENT: The *Environmental Assessment (EA) for the Proposed Construction and Operation of a Biosafety Level 3 Facility at Los Alamos National Laboratory (DOE/EA-1364)* (attached) provides sufficient evidence and analysis to determine that a Finding Of No Significant Impact is appropriate for the Proposed Action, the Prefabrication Alternative and the Prefabrication/Build Alternative at each of the three optional site locations identified in the EA. The EA documents the evidence and analysis in the following chapters: 1. Purpose and Need; 2. Description of Alternatives; 3. Affected Environment; and 4. Environmental Consequences.

Analyses performed in the EA allow NNSA to conclude that potential adverse effects of the Proposed Action and stated alternatives, under normal conditions, would be minimal. Engineering and administrative controls or considerations that serve to lessen any potential for adverse environmental effects, have been incorporated as integral features of the Proposed Action and the actions described and analyzed for both alternatives. Examples of this type of mitigating feature include: the use of a previously disturbed site for construction; the use of Best Management Practices to prevent surface soil erosion and sediment migration controls where soil disturbances are unavoidable; the use of standard dust suppression measures during construction to minimize the generation of fugitive dust; the use of native species for post site construction landscaping along with the capture and utilization of site precipitation to the maximum extent practicable; and the use of Centers for Disease Control (CDC) and National Institutes of Health (NIH) guidance and requirements established for operating biosafety level (BSL) -2 and BSL-3 facilities.

The EA considered the cumulative effects of the Proposed Action with past, present and reasonably foreseeable future actions. The EA considered the location of the Proposed Action at three optional sites: two sites are located within LANL's Technical Area (TA)-3, and one location within TA-58. The impacts from the construction and operation of the new BSL-3 facility would be a minor contribution to the overall cumulative impacts.

PREDECISIONAL DRAFT REVIEW & COMMENT: On October 30, 2001, the Department of Energy, National Nuclear Security Administration invited review and comment on the predecisional draft EA from the State of New Mexico; four nearby American Indian Tribes: Cochiti, Jemez, Santa Clara and San Ildefonso (sometimes referred to as the four accord pueblos because each tribe has entered into an accord with the Department of Energy); the Pueblo of Acoma; and the Mescalero Apache Tribe. The National Nuclear Security Administration also made the predecisional draft EA available to the general public at the same time it was provided to the State and Tribes for review and comment. The general availability of the EA to the public was accomplished by placing it in the Department of Energy Public Reading Rooms located within the Los Alamos National Laboratory's Community Outreach Center and Reading Room, and in the University of New Mexico's Zimmerman Library in Albuquerque. Additionally, over 50 local stakeholder groups and individuals that have identified themselves as interested parties with regards to LANL activities were notified by letter of the availability of the predecisional draft on October 30, 2001. Notice of the availability of the EA for review was also published in three local newspapers. Copies of the EA were provided to all requesting interested parties for their review upon their requests. The review and comment period was 21 days long and ended on November 19, 2001, although several comments were received after that time period had lapsed. Due to National Nuclear Security Administration's inability to schedule all requested project briefings to nearby pueblos before the end of the scheduled review and comment period, the National Nuclear Security Administration extended the comment period for an additional 30 day period from December 17, 2001 through January 15, 2002. The State, pueblos and tribes, and interested stakeholders and individuals notified previously were again notified in the same manner as before of the extended review and comment period.

A number of parties and entities provided comments to the draft EA, including the State of New Mexico and the County of Los Alamos; none of the local pueblos and

tribes offered comment on the predecisional draft EA. Comments received were addressed in the Final EA, and copies of the Final EA have been sent to the respondents.

AGENCY CONSULTATIONS: No effects to individuals of Federally-listed threatened and endangered species or to their critical habitat would be anticipated during the implementation of the Proposed Action. Therefore, NNSA is not required to engage in consultation with the U.S. Fish and Wildlife Service according to section 7 requirements under the Endangered Species Act. DOE implemented a Threatened and Endangered Species Habitat Management Plan (HMP) for LANL in March 1999; all project activities implemented under the Proposed Action at any of the three optional site locations would comply with the HMP. No adverse effects to historic or prehistoric cultural resources is anticipated by implementing the Proposed Action at any of the three optional site locations. Therefore, NNSA is not required to engage in consultation with the New Mexico State Historic Preservation Officer according to section 106 requirements under the National Historic Preservation Act. Several offices of the Centers for Disease Control were contacted during the preparation of this EA for the purpose of obtaining information and assistance.

FINDING: The United States Department of Energy, National Nuclear Security Administration finds that there would be no significant impact from proceeding with its proposal to construct and operate a BSL-3 facility at Los Alamos National Laboratory as described in the Proposed Action or the Prefabrication Alternative or the Prefabrication/Build Alternative at any of three optional site locations identified as being suitable. This finding is based on the EA, which analyzes the consequences of the relevant issues of environmental concern. The Department of Energy, National Nuclear Security Administration makes this Finding of No Significant Impact pursuant to the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.], the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act [40 CFR 1500] and the Department of Energy National Environmental Policy Act Implementing Procedures [10 CFR 1021]. Therefore, no environmental impact statement is required for this proposal.

Signed in Los Alamos, New Mexico this 26th day of February, 2002.

_____ [original signed by Corey A. Cruz]

Corey A. Cruz

Acting Director

Office of Los Alamos Site Operations

FOR FURTHER INFORMATION: For further information on this proposal, this Finding Of No Significant Impact (FONSI), or the Department of Energy's National Environmental Policy Act (NEPA) review program concerning proposals at Los Alamos National Laboratory, please contact:

Elizabeth Withers, NEPA Compliance Officer

Office of Los Alamos Site Operations

U.S. Department of Energy

National Nuclear Security Administration

528 35th Street

Los Alamos NM 87544

(505) 667-8690

Copies of this FONSI (with the Environmental Assessment attached) will be made available for public review at the DOE Public Reading Room within the Los Alamos National Laboratory Community Relations Office, 1619 Central Avenue, Los Alamos, New Mexico, 87544 at (505) 665-4400 or (800) 508-4400. Copies will also be made available within the DOE Public Reading Room at the Zimmerman Library, University of New Mexico, Albuquerque, New Mexico, 87131 at (505) 277-5441.