

# Tri-Valley CAREs



Communities Against a Radioactive Environment

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4049 First St., Suite 243, Livermore, CA 94551 • (925) 443-7148 • [www.trivalleycares.org](http://www.trivalleycares.org)

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Submitted by email to NNSA at: [NEPA.Comments@npo.doe.gov](mailto:NEPA.Comments@npo.doe.gov). Please acknowledge receipt to: [marylia@trivalleycares.org](mailto:marylia@trivalleycares.org)

Submitted by postal mail to: Ms. Terri Slack, P.O. Box 2050, NNSA Office, Oak Ridge, TN, 37831

***Re: Tri-Valley CAREs' comments on the Draft Supplement Analysis for the Final SWEIS for the Y-12 National Security Complex, Earthquake Accident Analysis (DOE/EIS-0387-SA-04, April 2020)***

Dear Ms. Slack:

## **1. Introduction**

Tri-Valley CAREs is a non-profit organization founded in 1983 by Livermore, California area residents to conduct research, analysis, public education and advocacy regarding the potential environmental, health and proliferation impacts of the U.S. nuclear weapons complex, including but not limited to its Lawrence Livermore National Laboratory. In its capacity as a nuclear weapons complex “watchdog” organization, Tri-Valley CAREs submitted comments on the 2011 Site-Wide Environmental Impact Statement (SWEIS) for the Y-12 Complex.

The April 2020 Draft SA is intended to determine whether new information and/or changed circumstances require the National Nuclear Security Administration (NNSA) to undertake a new or supplemental Y-12 Complex SWEIS pursuant to the September 2019 opinion and order handed down by the District Court.

## **2. Scope of Review in the Draft SA**

The 2019 opinion and order states that further National Environmental Policy Act (NEPA) analysis - which NNSA decided would be in the form of this SA - must include an up-to-date earthquake analysis for the Y-12 Complex. As we understand the order it does not state that the NEPA analysis should be exclusively limited to earthquakes, although updated earthquake information is central to it.

Further, the order does not state that NNSA should limit its earthquake analysis to only three facilities at the Y-12 Complex, the Uranium Processing Facility (UPF) currently under construction, and two particularly hazardous old buildings that NNSA intends to keep in operation as part of uranium enrichment/secondary production, namely 9215 and 9204-2E.

Despite the broader language issued by the District Court, the Draft SA has been limited by NNSA to (a) not include analysis and/or changed circumstances beyond earthquake data and (b) not include earthquake analysis beyond the three noted buildings. Therefore, Tri-Valley CAREs notes that the review

contained in the Draft SA is too severely constrained in scope to meet either the requirements of NEPA in general or those contained in a plain reading of the 2019 opinion and court order.

The Draft SA also falls short of the law in limiting its earthquake review to solely radioactive releases when there are likely to be both radioactive and hazardous, non-radioactive constituents released in an earthquake. Some of the hazardous constituents that may be released, such as beryllium, pose unique dangers that must be analyzed in depth. Too, the cumulative and synergistic impacts of the totality of the contaminants that may be released in a quake must be addressed under NEPA. We note too that site workers and first responders must be included in the analysis alongside the general public, flora, fauna and the food web.

In short, in undertaking its review of earthquake hazards, NNSA must analyze the full consequences – including cumulative impacts – of a major earthquake across the Y-12 Complex.

### **3. Significant Changes Since 2011 SWEIS**

According to the Draft SA, the NNSA's current plan (which includes the use of the old buildings noted above) means that the risk to the public is more consequential than previously considered. Indeed the probability risk is elevated five-fold over what the 2011 SWEIS estimated (e.g., from once in 2,500 years in the 2011 review to once in 500 years in this 2020 Draft SA). Further, in addition to greater frequency, the Draft SA finds that the consequences of an earthquake to the surrounding public are at least ten-times higher than analyzed in 2011.

These are major changes that should lead NNSA to conclude that a new or supplemental SWEIS for the Y-12 Complex is needed.

### **4. Public Comment Process**

Tri-Valley CAREs, along with several dozen organizations in the Alliance for Nuclear Accountability whose member groups are located around the major facilities in the nuclear weapons complex, requested that the public comment period for the Draft SA not close during the pandemic. Tri-Valley CAREs believes that NEPA requires that extension.

In fact, I write this comment with great difficulty and during ongoing "shelter in place" regulations. My ability to contribute detailed comments and to fully participate in the NEPA process has been proscribed by NNSA.

While I note a 15-day extension to the public comment period was granted, I note too that a 30-day extension is often granted under normal conditions. And a global pandemic - with scores of new cases of Covid still occurring regularly in my community - is anything but ordinary.

Sincerely,

Marylia Kelley  
Executive Director,  
Tri-Valley CAREs