



OAK RIDGE ENVIRONMENTAL PEACE ALLIANCE
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Mr. Dan Brouillette, Secretary of Energy
United States Department of Energy
1000 Independence Ave., SW
Washington, D.C. 20585

Ms. Lisa E. Gordon-Hagerty, Administrator
National Nuclear Security Administration
1000 Independence Ave., SW
Washington, D.C. 20585

Mr. Bruce M Diamond, General Counsel
National Nuclear Security Administration
1000 Independence Ave., SW
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Mr. Brian Costner, Director
Office of NEPA Policy and Compliance
U S Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Ms. Terri Slack
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Oak Ridge, TN 37831

April 16, 2020

Request for Extension of Comment Period and Public Hearing on the
*Draft Supplement Analysis for the Final Site-Wide Environmental Impact Statement
for the Y-12 National Security Complex, Earthquake Accident Analysis*

Dear Secretary Brouillette, Administrator Gordon-Hagerty, Mr. Costner, Mr. Diamond, and Ms. Slack:

The Oak Ridge Environmental Peace Alliance requests an extension of the public comment period and a public hearing (when conditions permit) for the *Draft Supplement Analysis for the Final Site-Wide Environmental Impact Statement for the Y-12 National Security Complex, Earthquake Accident Analysis* [Draft SA].

The Draft SA was released on April 9, 2020, and the public was invited to review the document and submit comments until May 11, 2020, approximately 30 days. While allowing for public comment on Supplement Analyses is not required by NEPA, in this case it is advisable, given the strong public interest in the issues covered by the Draft SA. However, a 30-day comment period is insufficient for two reasons:

- the document is highly technical in nature, dealing with seismic issues as well as release estimates; the demands of understanding this material exceed the capacity of the average citizen and require the assistance of knowledgeable experts—securing such expertise with no notice, providing them an opportunity to review the Draft SA in detail and prepare a report understandable by lay readers is not possible in such a brief time period;



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- the unprecedented constraints on public gatherings and face-to-face communications visited upon us by the COVID-19 virus and the near-total disruption of daily life add a significant layer of complexity to efforts by organizations to assess the highly technical information in the SA and prepare comments that can be approved by the organizations.

In short, these are highly unusual times, and the NNSA and DOE should provide relief to the public as it seeks to fully inform itself as to the content of the Draft SA and prepare comments.

Furthermore, this Draft SA deals with issues of profound significance to the public. In a court opinion in September, 2019, federal judge Pamela Reeves wrote:

“Y-12 is located in a populous and quickly growing part of the country. Within the range of possible NEPA cases that might come through this courthouse, the Court is hard-pressed to imagine a more dramatic hypothetical than this, where it must contemplate what might occur if a major earthquake struck a nuclear weapons manufacturing facility located in a major population center.”

The fundamental issue dealt with in the Draft SA is the capacity of Buildings 9215 and 9204-2E to withstand a design-basis earthquake, for which we have no assurance, and the risk to workers and the public if the buildings fail. The Draft SA analyzes consequences of a “worst case scenario” that are “approximately ten times larger” (actually about 12 times larger) than the consequences for the Capability-sized UPF.

In other words, the Draft SA postulates significant increases in risks to the public since the last time DOE/NNSA held a public meeting, ten years ago, on its plans for modernization of the enriched uranium program at Y-12. In light of this, the NNSA and DOE have a responsibility to address the people of Oak Ridge and Knoxville (the Draft SA says the consequences could affect a population of 1.5 million people) to make clear the risks to which they are being subjected, and to hear their comments. In this instance, it is not enough to inform the public they are being subjected to risks determined by the NNSA/DOE; it is critical and imperative that the public be consulted.

Obviously, it is not possible to hold a public hearing now, in the midst of the COVID-19 stay-home orders. We request therefore that the public comment period be extended until such time as an in-person public hearing which permits the participation of the entire public (not only those who have access to on-line communications) can be scheduled, and that comments received at the hearing be part of the record of these proceedings. Such a meeting might be tentatively scheduled as soon as the COVID-19 horizon appears to be clearing.

We realize that a public hearing is not only not required for an SA, but would be highly unusual. At the same time, it cannot be denied that this SA is itself highly unusual—the third SA prepared for the same 2011 Site-Wide Environmental Impact Statement, prepared in response to a court order, and dealing with matters directly impacting the health and safety of the public in an instance in which NNSA/DOE admit their facilities are not compliant with current regulations and acknowledge they are unlikely to be made compliant during the expected lifetime of their operation.

On April 8 U.S. Senators Maria Cantwell and Tom Udall, along with 20 other members of the Senate, sent a letter to Mr. Russell T. Vought, Acting Director of the Office of Management and Budget, urging him to “instruct all federal agencies to indefinitely extend all open or announced upcoming public comment periods for rulemakings and administrative actions not related to the COVID-19 pandemic response.”

We agree with these Senators that:

“the American public is not only legally entitled to a meaningful opportunity to participate in these important proceedings; their participation is crucial to ensuring that agencies’ work is carried out effectively. The public is an invaluable source of expertise for agency decision-makers, and their ability to weigh in on agency decisions advances the good government goals of accountability. Yet, such meaningful participation is an impossibility for tens of millions of Americans during this pandemic emergency period. We cannot reasonably expect the public to redirect attention from protecting themselves and families to comment on federal agency rules and proceedings that while important, are not related to the crisis at hand or its response.”

In conclusion, we request an extension of the comment period to approximately June 30 or until such time as a public meeting can be safely held to inform and consult with the affected population.

Thank you for your timely consideration of our request. Please direct your response to the coordinator of the Oak Ridge Environmental Peace Alliance, Ralph Hutchison, at orep@earthlink.net.

Sincerely,



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