Just in case there ever was a whiff of doubt, the National Nuclear Security Administration made it official: Building nuclear weapons is our top priority and our only priority. We will build them no matter what.

In a stunning display of disregard for the law and for public safety, the NNSA released an Amended Record of Decision on September 30 declaring that there is no need for any further analysis of environmental impacts or risks to humans or the environment at the Y-12 Nuclear Weapons Complex in Oak Ridge, Tennessee.

The announcement in the Federal Register that NNSA will “continue to implement its approach to meeting enriched uranium requirements by upgrading existing EU processing buildings and constructing a new Uranium Processing Facility” is notable more for what it obscures than for what it discloses.

Here’s a guide to translation. “Meeting enriched uranium requirements” means building nuclear weapons secondaries and cases out of highly enriched uranium, lithium deuteride, beryllium, and depleted uranium. Secondaries are the core of a nuclear warhead—they are the part that makes a bomb thermonuclear.

“Upgrading existing EU processing buildings” means making some yet-to-be-determined modifications to unsafe buildings because they will be used until 2050 for dangerous enriched uranium operations. It does not mean the buildings will comply with safety or seismic requirements—they will not.

In fact, the Amended Record of Decision, which takes up less than five columns in the Federal Register, is filled with half-truths and dissembling. In her award winning book Lying: Moral Choice in Public and Private Life, philosopher/ethicist Sissela Bok says a lie is a statement that intends to deceive. By that measure, the 2020 AROD is a case study suited for a master class in mendacity.

How we got here

The 2020 AROD is the last in a long line of environmental studies NNSA has produced in order to meet the demands of the National Environmental Policy Act, beginning in 2011 when it published the Y-12 Site-Wide Environmental Impact Statement (SWEIS).

In the years since, NNSA has produced three Supplement Analyses—studies to determine whether or not they needed to update the 2011 SWEIS, and, now, three Amended Records of Decision (AROD), each of which declared they would proceed with their plans.

This last AROD was prepared as a result of OREPA’s federal lawsuit,* filed in 2017. It took more than two years for the judge to rule on our case, but when she did, she threw out all of NNSA’s work back to 2011 and told them to start over from there, with special attention to the risks from earthquakes.

The judge’s order should have stopped construction of the UPF bomb plant, but NNSA decided instead to create for itself a new “interim” status in defiance of the judge and the law. Three days after the court’s ruling, NNSA announced, in a new AROD, that it would continue to build the UPF and implement its enriched uranium plan while it prepared the environmental studies that are required by law to be completed before construction can begin.

At that point, OREPA filed a motion asking the court to enforce its ruling and stop construction of the UPF bomb plant until the entire Enriched Uranium program complies with the

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law. The court did not rule on our motion. It seems fair to speculate that the court’s failure to enforce its decision only served to embolden NNSA. They immediately began to cobble together paperwork under the pretense of satisfying the court’s order.

So it was that NNSA published a Draft of its third Supplement Analysis in April and took the highly unusual step—again, because of our legal challenge—of providing a public comment period. The public proved to be very interested in the NNSA study; more than 140 people submitted comments about the Draft. Those comments were, with a few minor exceptions, completely dismissed. The Final Supplement Analysis was published in July, followed now by the Amended Record of Decision.

**STILL BOGUS AFTER ALL THESE YEARS**

The 2020 AROD suffers from the same fatal deficiencies of the previous studies. The law requires NNSA to take a “hard look” when it does its environmental studies.

Dr. David Jackson, professor emeritus from UCLA and a highly regarded expert in the field of seismology, dissected the NNSA analysis and found it “defective in numerous regards.” According to Jackson, “It falls far short of relevant professional and scientific standards.”

Instead of considering the effects of a significant earthquake at Y-12 on the environment, NNSA chose instead to narrow its study to look only at the enriched uranium buildings. And even though the weapons activities in those buildings involve a host of hazardous and toxic materials, NNSA chose to examine only the consequences of a release of radioactive materials. And even though the radioactive contamination would have an impact on the entirety of the environment—plants, air, water, animals—NNSA only examined the impact on humans. And even though humans vary widely in how they might be affected by exposure to radiation, NNSA made no allowance for those differences, assuming exposures would have the same effects on a pregnant woman or a four-year-old child as they would on a healthy 40-year-old man. And even though enriched uranium poses a health risk for more than 4 billion years, the NNSA chose to consider only immediate impacts.

In other words, NNSA’s work falls far short of the requirements of the law.

**SAFE ENOUGH. UNLESS IT’S NOT.**

The bottom line in NNSA’s studies is this: the aging facilities they intend to rely on until 2050, the 9215 Complex and Building 9204-2E, do not meet current environmental and seismic standards and would be expected to fail if a moderate earthquake occurred in Bear Creek Valley or nearby. Fail as in probably collapse.

In its environmental analysis, NNSA disclosed that such a failure might result in a nuclear criticality—it can’t be ruled out, said the study.

Nevertheless, NNSA says it will continue to use the old buildings. But it promises to perform “upgrades” to “enhance the safety and security” of the buildings. To what standard?

NNSA does not directly answer that crucial question, but they have admitted, in the environmental analyses, that they do not expect to bring the buildings up to code. Ever. They will set whatever standard they can achieve, declare it good enough, and write the rest off to “risk acceptance.” And when it’s time to hold a public meeting to inform the public—oh, wait. There won’t be a public meeting.

There is actually a good reason why NNSA is not forthcoming about the deficiencies of the buildings and the actions they will take to fix them. It doesn’t know.

The entire calculation of the risks of an earthquake is based on computer modeling that starts with a series of simple questions: How will the buildings perform in the earthquake? Will they withstand it? Partially collapse? Collapse? Will alarms work? Will fire suppression equipment work? Will releases be limited by an emergency response team? Will a team be able to get to the problem—or will they be stricken with radiation poisoning from an ongoing nuclear criticality? Will enriched uranium be released into the air? Will it be released into groundwater?

To answer these questions, one can imagine a movie of the earthquake and watch what happens. Here’s the problem—NNSA does not know and cannot realistically project what will happen. They have prepared an entire analysis of the consequences even though they do not know how the buildings will perform!
The studies, and any improvements to the buildings, are being undertaken as part of NNSA’s Extended Life Program (ELP). From here on out, NNSA will not be required to report any of its activities to the public; it will not be required to disclose the risk level it eventually decides is acceptable for workers and the public; it will not be required to disclose what precautions it is taking to protect workers and the public in the event of an earthquake and building collapse and release of radiation.

And one thing is certain: if it is not required to disclose, NNSA will not disclose. Not. one. single. word.

THE PROBLEM WITH TRUST

The fundamental problem with trusting NNSA is they are not trustworthy. They cannot be trusted to do the right thing or to tell the truth. This past summer, NNSA announced it would not renew the multi-billion dollar contract of Consolidated Nuclear Services, the private company that operates Y-12, in part because of the failure of CNS to correct many long-standing criticality safety problems.

Up until the moment of the announcement, however, NNSA and CNS were consistent in assuring the public that safety was the top priority at Y-12, that workers would never be sent into unsafe situations. Except that they are, scores of them, every single day.

Even now, NNSA has not explained any details about the safety challenges—the public gleans what it can from the reports of other government oversight agencies, but NNSA and the Department of Energy are working to limit the work of those agencies. All we know is that criticality safety issues are persistent, with new violations and incidents being uncovered on an almost weekly basis. Last year saw more than three dozen workers exposed on the job.

WHAT NEXT?

OREPA’s Board has considered continuing our legal challenge, asking the court to vacate the 2020AROD and renewing our Motion to Enforce. But we are reluctant to devote resources—time, energy, money—to a strategy that appears to have little chance of success. Not because we couldn’t win. But because, as our lawyer said, “We won last time, and it didn’t stop them.”

Even though our arguments would be just as strong, the challenge would be even steeper this time. Chief Judge Pamela Reeves, who handled our first suit, died in September, and President Trump has appointed two new judges to the bench in East Tennessee—the odds are stacked against us. And even if we won again, NNSA would likely appeal the case to the 6th circuit in Cincinnati, a bench dominated by conservatives.

But we are far from giving up. Instead, we are discussing alternative strategies.

In addition to teaching us about the limitations of the legal avenues available to us, our litigation has also provided us with important information we would never have gotten access to without forcing NNSA to make its plans public and subject them to analysis.

We learned the condition of the old buildings, we learned of the ongoing threats to workers and the public, we learned of the utterly unconscionable decision to subject the public to risks without consulting or even informing them.

And we confirmed what we have always known—the press to produce nuclear weapons of mass destruction takes precedence over every other consideration at Y-12. It’s more important to NNSA than obeying the law, more important than preserving the environment or keeping workers safe, more important than cleaning up contamination or protecting the public, more important than being honest.

In this pandemic age, efforts to test whether this hierarchy of values is as true for the community of Oak Ridge as it is for NNSA are constrained. But OREPA will be exploring ways to educate the public about the risks of living near a bomb plant being operated by a federal agency and contractors that have proven themselves, once again, to be committed not to safety and security, but to bombs.

* The UPF lawsuit, filed in July 2017, was brought by OREPA, Nuclear Watch New Mexico, the Natural Resources Defense Council, and four individuals: Jack Hoefler, Linda Ewald, Ed Sullivan, and Ralph Hutchinson. We were represented by Meyer Glitzenstein and Eubanks and, more recently, Eubanks and Associates. The lead attorney throughout was the amazing Nick Lawton. Ninety percent of the funding for the litigation was provided by individual donors. We also received a small grant from the Ploughshares Fund, and NRDC contributed to the expenses of our seismic expert.

Opposing the UPF on the street in Knoxville for a Tax Day Rally.
Of the many voices raised on the 75th remembrance of the bombings of Hiroshima and Nagasaki, none was more compelling than Setsuko Thurlow who reminded us that we have the power to create the world we want to live in—even to banish nuclear weapons. Speaking to the spirits of those who perished in the bombing and its aftermath, she told them about the Treaty on the Prohibition of Nuclear Weapons. “We made it,” she said.

But she also noted there is much hard work to be done to realize the full power of the Treaty. She said to her ancestors, “But we have to keep working. And we will. I promise.”

In the early days of August, the COVID-19 pandemic was on the rise in Knoxville and East Tennessee, and large gatherings were unsafe. Still, it was critical that Hiroshima and Nagasaki be recalled in this place, where the highly enriched uranium for the Little Boy bomb was produced.

And so we gathered, a dozen masked, distanced vigilers, at 6:00am on August 6, at the main entrance to the Y-12 nuclear weapons complex, for the Names and Remembrance ceremony. Three hours of names, of first hand accounts, of poetry from survivors. We read the Peace Declaration from the Mayor of Hiroshima. We tolled the bell for every name read; we tied peace cranes on the fence, hundreds of them dancing on the breeze, as hundreds and hundreds of workers drove into the bomb plant.

At 8:15, silence fell as we marked the time of the bombing. For us, in a few long minutes, life would resume with drumming and chanting. But for 60,000 women, men, and children, and countless pets and animals and insects in Hiroshima, life was ended in a fiery instant. In the months to follow tens of thousands more would die of radiation sickness while the United States struggled to keep the world ignorant of the effects of the bomb.

Two nights later we gathered at the edge of the Tennessee River in Knoxville to hear the words of the Mayor of Nagasaki, to sing softly “Peace Is,” to join in a Litany of Peace, and finally to launch peace lanterns into the river.

We missed many of the people who would usually join us, and we missed parts of the program that we had to forgo for the sake of health and safety. But the moment was powerful nevertheless for those who gathered, and we felt the spirits of others we knew wanted to be with us but could not.

In the end, the remembrance of Hiroshima and Nagasaki means little unless it is matched by a commitment to do the work Setsuko promised, to work to make the promise of the Treaty on the Prohibition of Nuclear Weapons a reality in Oak Ridge, across the country, and around the world.
By the time you read this, it may already have happened. When the nation of Tuvalu deposited its ratification of the Treaty on the Prohibition of Nuclear Weapons at the United Nations in October, it became the forty-seventh country to do so. It will take fifty ratifications or accessions for the Treaty to become international law.

According to the process established in the Treaty, it does not enter into force immediately; that happens 90 days after the 50th country deposits its papers with the UN.

Our friends at the International Campaign to Abolish Nuclear Weapons (ICAN) have been working with and closely watching several countries as they conclude their internal processes for ratifying the Treaty. The question of the day is “Who will be the fiftieth?”

Maybe all of them. The protocols of the UN allows for multiple countries to wear the badge of the 50th if they deposit their ratifications/accessions on the same day. So it could, literally, happen any day!

**The Effect of the Treaty**

The Treaty will not have an immediate legal effect on the United States or on any of the nuclear nations that have boycotted the negotiations and passage of the Treaty. Technically, the Treaty only has a legal force in the states that are party to it.

But the Treaty will have moral force, and it can be used as leverage to build support for nuclear nations and their clients to sign, ratify, and comply with its terms. Those terms outlaw virtually everything about nuclear weapons—making them, possessing them, deploying them, storing them, allowing them to be stored in another place, transporting them...

So when the Treaty officially enters into force early next year, it will be fully in force in the countries that have ratified it. It will also effectively be in force in the other 30+ countries that have signed but not yet ratified it.

And then its power will begin to unfold around the globe as activists use it to pressure political leaders to recognize and comply with the Treaty. The pressure will be felt most in Europe, where there is already resistance to the deployment of US nuclear weapons in the five NATO countries that have B61 bombs on air bases ready to be delivered at a moment’s notice—in Italy, Turkey, Belgium, The Netherlands, and Germany.

Eventually, when the bombs are returned to the US, we will be able to ratchet up the pressure on the United States to sign and comply with the Treaty.

**Celebrating the Treaty**

ICAN and others are preparing to celebrate the deposit of the fiftieth papers with a media blast—because we won’t get advance notice, it will be difficult to do more extensive celebrating on that day.

But we will know, ninety days in advance, when the Treaty will officially enter into force. And groups across the country are preparing to celebrate that day with a variety of events and action, including hanging banners that declare, in large letters, NUCLEAR WEAPONS ARE ILLEGAL, at each weapons site in the country.

OREPA is working with our colleagues in the Alliance for Nuclear Accountability, along with the Nuclear Resister and Nukewatch, to coordinate actions and media for the date of the Entry Into Force.

When we have more information, we will post it on OREPA’s web page (www.orepa.org).
Ardeth Platte was a woman of deep faith and conviction who committed the last decades of her life to turning the dream of nuclear disarmament into reality. She understood that nuclear weapons pose an existential threat, not only to all human life, but to the earth itself.

She died, apparently in her sleep, on September 30, 2020.

It is hard to think about Ardeth without thinking about Carol Gilbert. They came to Oak Ridge many times to protest the production of nuclear weapons at Y-12. In July of 2010, despite being on crutches, Ardeth climbed through the barbed wire fence and was arrested for trespass at Y-12. She was sentenced to spend four months behind bars. At her sentencing hearing, she spoke eloquently and personally to the judge:

"Nuclear weapons are the taproot of violence," Platte said, "and they must be abolished. So I refuse to be silent." She described her education in the church where "the words of Jesus took root in me." Referencing the work at Y-12, where the W76 warhead was undergoing modifications under the Life Extension Program, Ardeth said, "Nuclear weapons inflict indiscriminate and uncontrollable mass destruction, violate fundamental rules and principles of humanitarian law, and threaten the existence of life itself."

A few years ago, Ardeth and Carol were in Germany; all of us at an international Peace Camp outside the Büchel air base where US nuclear bombs are deployed. We participated in demonstrations there, and Ardeth and Carol joined in a blockade of the base. When asked what it would take to get them out of the road, Ardeth said, "We want to see the base commander." A murmur went through the locals—like that was going to happen. And then, fifteen minutes later, the base commandant came striding down the middle of the street. When he arrived, Ardeth presented him with a copy of the Treaty on the Prohibition of Nuclear Weapons and read the powerful words of the treaty to him.

She never stopped, never appeared to tire. When they returned to the US, Ardeth and Carol began visiting military bases and communities that hosted nuclear weapons, always pressing to deliver the Ban Treaty.

The day before she died, Ardeth was on the street corner in Washington, DC, joining in demonstrations for the International Day of Nuclear Disarmament.

When the Knoxville newspaper called for a comment, Ralph Hutchison, coordinator of the Oak Ridge Environmental Peace Alliance, said:

"Ardeth Platte was a force of God’s will, plain and simple. She was deadly serious about the threat posed by nuclear weapons; she opposed them everywhere, including Oak Ridge, even when it meant going to prison. She also had a brilliant mind and a sharp sense of humor. She was a joy to be around; a friend with unmatched courage. She had the great gift of attentiveness—she made every person in the room feel important. When you talked with her, she leaned in, carefully taking in every word, whether it was through the glass at jail visitation, or under the tent at the peace camp.

"Ardeth lived with unassailable integrity—she acted on her beliefs regardless of consequences. She inspired people around the globe. We will miss her as a friend, a colleague, a champion for nuclear disarmament, quick to laugh, and quick to be deadly serious. We will celebrate her when the Treaty on the Prohibition of Nuclear Weapons enters into force in the coming months. And we will continue working for an end to nuclear weapons production in Oak Ridge, knowing that her spirit is with us."

Far right: Ardeth delivers the Treaty on the Prohibition of Nuclear Weapons to the base commandant in Germany in 2017; near right, top: Ardeth flashes peace sign to supporters as she is taken into custody at the Y-12 Weapons Complex in Oak Ridge in 2010. Bottom: Carol Gilbert, Ardeth, and Susan Crane greet workers on their way into the Büchel Air Base in Germany where US B61 nuclear bombs are deployed for delivery on a moment’s notice.