

Tri-Valley CAREs

Communities Against a Radioactive Environment

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*Peace Justice Environment
since 1983*

December 2, 2022

Ms. Fana Gebeyehu-Houston,
NEPA Document Manager
National Nuclear Security Administration
1000 Independence Ave., SW
Washington, DC 20085

Sent by email:

LLNLSWEIS@nnsa.doe.gov

RE: Request for Extension of Public Comment Period on the Draft Site-Wide Environmental Impact Statement for Continued Operation of Lawrence Livermore National Laboratory (DOE/EIS-0547)

Dear Fana Gebeyehu-Houston:

I write you today on behalf of Tri-Valley CAREs and its 6,000 members to formally request that the Department of Energy and National Nuclear Security Administration extend the public comment period on the Draft Site-Wide Environmental Impact Statement (SWEIS) for Continued Operation of the Lawrence Livermore National Laboratory for 30-days, from its original end date of January 3, 2023 to February 2, 2023.

The current public comment period is insufficient for the following reasons:

1. The Draft SWEIS contains three volumes totaling 1,408 pages that are often dense, highly technical, and extremely difficult to read by an interested layperson. Indeed, Tri-Valley CAREs has heard from some of its members, including some with a scientific background, that they are struggling to get through the document in the allotted time.
2. The Draft SWEIS was released in November, at the beginning of an incredibly busy holiday season that includes but is not limited to Thanksgiving. The public comment period then runs through December, an often even busier holiday and family season – and the month in which every major religion and culture has its most important holidays and, for most, its highest holy days. The current comment period then ends immediately following the New Year holiday. Tri-Valley CAREs has heard from some of its members that they have long-planned travel, vacation time, family obligations and the like that make it difficult (some have said impossible) to review the Draft SWEIS and formulate comments. Additionally, most of Tri-Valley CAREs' staff and board members are in the same boat. I note this to say that even the most motivated and interested members of the public have obligations during this season that preclude the depth of review the

Draft SWEIS deserves. Simply put, the public is hamstrung during this season when it comes to producing the depth of comments they wish to provide (and deserve to have the opportunity to provide).

3. The public notice provided by DOE and NNSA has been problematic. For example, the Draft SWEIS was impossible to find on the agencies' main NEPA website (to which search engines guide people and to which most people go). When members of the public told me they could not find the documents, I went to the site myself and was not able to find any mention of the Livermore Lab SWEIS. I used the site link to send this notice on November 14:

“From: Marylia Kelley <marylia@earthlink.net>
Subject: updating NEPA main page to include LLNL SWEIS
Date: November 14, 2022 at 8:36:14 PM PST
To: NEPA@nnsa.doe.gov

I notice that NNSA's main NEPA page still has scoping hearings listed for the LANL SWEIS but has nothing about the LLNL Draft SWEIS release and upcoming in-person hearings. Further, there is no information about the date and time of the virtual hearing. Please update and let me know the actions you have taken. My email and other coordinates are below. — Marylia Kelley...”

I did not receive any response. Today, December 2, I returned to the main NEPA website (for the third time overall). I saw that its front page had been visually updated. However, that “updated” page has significant gaps that make it difficult, at best, for any member of the public to find the Draft SWEIS for Continued Operation of the Lawrence Livermore National Laboratory. For example, the main page has a very prominent map of the United States that has big dots denoting all of the locations at which there are present (open) NEPA processes. The Livermore Lab site is entirely missing from that map! To the right of the map is a click-in to “Latest Documents and Processes”. As I looked down that list, I saw NEPA open processes where it stated the site involved. However the words Lawrence Livermore National Laboratory appear *nowhere*. Instead there is a link that only says Draft SWEIS and gives its DOE number, which is meaningless to members of the public who would be searching that webpage for the Livermore Lab SWEIS documents. There are also issues involving the size and visibility of the legal notices in newspapers for the public hearings. In sum, Tri-Valley CAREs has heard from members that our organization, and not the DOE or NNSA, is the only place they are able to find information although they looked for it on the government website, which should not be the case.

4. The DOE and NNSA have not responded to Tri-Valley CAREs' Freedom of Information Act (FOIA) requests, which include documents and information we want to reference in our Draft SWEIS comment—and as such are relevant to comments we intend to make on the Draft SWEIS. As you may know, Tri-Valley CAREs filed litigation under the Freedom of Information Act outlining eight separate FOIA requests for which we have received zero records even though it is far beyond the statutory time frames, contrary to law. We are hopeful that the DOE and NNSA will provide the requested documents before February 2 (our requested extension date for the public comment period). Without the documents, and the information they contain, we are hamstrung and cannot produce comments based on the information we requested. As a strictly personal, non-legal opinion, Fana, while the agencies should respond immediately, I am not sure they *will* comply significantly before January 3, in part due to the holidays, but am hopeful that we will get the overdue documents in January, and in time to review them in advance of submitting comments on or before February 2.

If you have any questions, or would like further information, please email me at marylia@earthlink.net (preferred) or, alternatively, at marylia@trivalleycares.org.

Thank you for your consideration of our request for a 30-day extension of the public comment period.

Sincerely,
Marylia Kelley
Executive Director
Tri-Valley CAREs (Communities Against a Radioactive Environment)