

# Tri-Valley CAREs

Communities Against a Radioactive Environment

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## COMMENT LETTER ON THE FINAL SITE-WIDE ENVIRONMENTAL IMPACT STATEMENT FOR THE CONTINUED OPERATIONS OF THE LAWRENCE LIVERMORE NATIONAL LABORATORY

By email to: [LLNLSWEIS@nnsa.doe.gov](mailto:LLNLSWEIS@nnsa.doe.gov)

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This letter is a comment letter on the National Nuclear Security Administration's (NNSA) Final Site-Wide Environmental Impact Statement (SWEIS) for the continued operation of the Lawrence Livermore National Laboratory (Livermore Lab) Main Site in Livermore, CA and Site 300 high explosives testing range near Tracy, CA. It is being submitted during the 30 day period following the release of Final SWEIS to the public.

Tri-Valley CAREs ("TVC") 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. Tri-Valley CAREs is the only organization that focuses its research, public education and advocacy on the potential environmental, health, worker and proliferation impacts of the Livermore Lab. TVC submits this comment on behalf of its board, staff and 6000 members (5,600, who reside in the Bay Area), but with many around the country and beyond.

In its capacity as a nuclear weapons complex "watchdog" organization, Tri-Valley CAREs has commented during the public participation process for many National Environmental Impact Statements released by the DOE and NNSA. Tri-Valley CAREs has been involved in every SWEIS process for LLNL to date (not to mention many other environmental review processes at the Lab). The organization mobilized concerned citizens to voice opinions at public hearings and via written comment on the Draft SWIES documents as well as submitting its own technical comment.

The following items are intended to put the DOE and NNSA on notice that Tri-Valley CAREs review of the Final SWEIS and specifically the Volume 3 Response to Comments section have failed to take into account many of the issues raised in the commenters and/or not adequately responded to many of the comments submitted on the Draft by Tri-Valley CAREs and other commenters. Tri-Valley CAREs requests that these items be addressed either before or with any final Record of Decision issued on the SWEIS.

- 1. Inadequate Response to Comments Requesting Additional Alternatives.** The Final SWEIS failed to analyze any of the reasonable alternatives proposed by commenters to Draft SWEIS. Instead it continues to include only the No Action Alternative, which is actually a moderate expansion of the existing level of activity with **19 new**

**projects** (totaling 416,300 square feet), and the preferred Proposed Alternative, which is a major lab expansion including 75 new projects (totaling 3.3 million square feet). Many commenters asked that additional reasonable alternatives be included to give the agency options to reduce or alter operations at LLNL. For example; one in which the Lab does more unclassified, civilian science work and less work on developing new and modified nuclear bomb designs. Commenters suggested the SWEIS include examining expansion of LLNL's focus on climate change adaptation and amelioration technologies, nuclear non-proliferation, environmental clean-up technologies, alternative fuels, clean energy technologies, battery development, energy-grid efficiency, green building technologies, and other science areas to deal with the many challenges facing the United States and the world in the 21<sup>st</sup> century that are part of the DOE/NNSA mission.

Commenters pointed out that the SWEIS will guide activities at Livermore Lab for the next 15-years or more and therefore it is the Agency's responsibility to fully analyze reasonable alternatives so that the environmental impacts of civilian science research can be compared to the impacts of nuclear weapons activities – and decision makers and the public alike will have these facts in hand when making decisions. These comments were improperly disregarded.

2. **Plutonium Pit Work Remains Opaque.** Faced with the acknowledgement in the Draft SWEIS that the NNSA is proposing to increase the administrative limits for plutonium mixtures at Livermore Lab's Building 235 from 8.4 grams plutonium-239 under the No-Action Alternative to 38.2 grams under the Proposed Action (SWEIS 3-54), many commenters requested that the SWEIS should make it clear what plutonium operations are related to NNSA's expanded plutonium pit production, yet in response the Final SWEIS states that the agency *"does not think a "crosswalk" would be meaningful to "show the relationship of LLNL's activities to expanded pit production."* Commenters expressed legitimate concern about the **nearly 5x increase in plutonium at LLNL** and the correspondingly exponential increase of risk, including that associated with the corresponding increase of shipments of plutonium from 2 to 6 times per year to LLNL. Commenters deserve clarity about the specific programmatic need and purpose of this increased plutonium so that its impacts can be understood in conjunction with the impacts at agency sites around the country associated with Enhanced Plutonium Pit Production.
3. **Refusing to Comply with EPA Recommendations.** U.S. EPA, Region 9 submitted comments to the Draft SWEIS with specific recommendations, most of which the NNSA disregarded.

For example, EPA recommended that the success or effectiveness of the current remedial solutions being conducted pursuant to the Superfund law to clean up contaminated soil and groundwater at the main site and Site 300 be analyzed in the SWEIS. Additionally, EPA recommended that it clarify how the proposed expansion activities might affect the timetable for when the cleanup will "meet regulatory standards." The NNSA both refused to put a cleanup schedule or a discussion of the effectiveness of the current remedial solutions in the SWEIS and summarily responds that its major expansion plans will not "complicate or delay any of the ongoing or planned monitoring or cleanup" without providing any evidence or explanation to how it reaches that conclusion. Its response states, "[i]f any changes are needed this will be discussed with all appropriate regulatory agencies and coordination and a path forward would be negotiated," (Albeit outside of the public process enabled by NEPA in the SWEIS).

The EPA additionally pointed out that the best management practices for construction and operations in the SWEIS are too broadly written for the EPA to "assess their effectiveness in avoiding, minimizing or mitigation environmental impacts" and goes on to recommend a "Mitigation Action and DD&D Plans" be added to the SWEIS. In response, "NNSA assures EPA that all operations will follow approved regulator standards and be optimized to mitigate any environmental impacts" and that "More specific design features and best management practices will be identified during the project planning phase for any new proposed and approved work." This again keeps the public out of the process as those later planning phases do not involve public review and comment similar to the SWEIS process.

Furthermore, the EPA made the reasonable recommendation that additional air quality monitoring facilities be added along site perimeters (at Site 300) to “provide real time information on criteria pollutants and radiological constituents during all construction/demolition or earthmoving activities, controlled burns and firing or explosive events,” acknowledging encroaching development near the site. NNSA refused to comply with the EPA’s request, stating, “NNSA considers the air quality monitoring stations at LLNL to be adequate and ensure regulatory compliance,” while acknowledging that the air effluent sampling program “measures only radiological emissions” and that the surveillance monitors at the site perimeter are “not real time.”

Lastly, the EPA recommended that the SWEIS include analysis of low –income or minority populations that might be disproportionately impacted by the transportation of TRU wastes” both along the route and near the disposal sites, the Waste Isolation Pilot Plant in Carlsbad, NM (by including a summary of the how the NRC addressed the environmental justice concerns in the Final EIS for the WIPP licensing process). Rather than comply with the recommendation, the NNSA states that it analyzed the overall risk by “modeling” its “bounding” accident scenario resulting from a container breach/release along the shipment route and this the impacts to the minority and low-income populations would consist of a fraction” of that overall risk.

This Final SWEIS did not properly respond to comments made on the Draft and should no Record of Decision should be issued until the Agency fully responds by providing the additionally requested analysis in a revised Final SWEIS pursuant to NEPA.

**Sincerely,**

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