

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

SAVANNAH RIVER SITE WATCH, TOM)
CLEMENTS, THE GULLAH/GEECHEE SEA)
ISLAND COALITION, NUCLEAR WATCH)
NEW MEXICO, and TRI-VALLEY)
COMMUNITIES AGAINST A RADIOACTIVE)
ENVIRONMENT,)

No. 1:21-cv-01942-MGL

Plaintiffs,)

v.)

**DECLARATION OF SCOTT
YUNDT**

UNITED STATES DEPARTMENT OF)
ENERGY, JENNIFER GRANHOLM, in her)
official capacity as the Secretary, THE)
NATIONAL NUCLEAR SECURITY)
ADMINISTRATION, and JILL HRUBY,)
Administrator,)

Defendants.)

PERSONALLY APPEARED BEFORE ME, Scott Yundt, who being duly sworn, states as follows:

1. I am the Executive Director for the organization Tri-Valley Communities Against a Radioactive Environment (“Tri-Valley CAREs”). This Declaration is based on my personal knowledge, information, and belief. I am over the age of eighteen (18) and suffer from no legal incapacity.
2. Founded in 1983, Tri-Valley CAREs is a 501(c)(3) nonprofit organization with a mission to educate its members and other stakeholders, including decision-makers and the public, about U.S. nuclear weapons and their associated toxic and radioactive wastes with a

- focus on environmental and health risks at Lawrence Livermore National Laboratory (“LLNL”) and throughout the nuclear weapons complex. Tri-Valley CAREs consists of 6,000 members, the majority of whom reside, work, and/or recreate within 50-miles of LLNL. Many Tri-Valley CAREs members live within 10 miles of the LLNL Main Site in Livermore, California or its Site 300 high explosives testing range near Tracy, California.
3. Tri-Valley CAREs office at 4049 1st St. Suite 243, Livermore, California, where staff, board, and members congregate regularly (except during the COVID-19 lockdown) is less than three miles from the LLNL Main Site.
 4. Tri-Valley CAREs’ Executive Director, staff, board, and members regularly attend meetings held inside the fence at the LLNL Main Site, including but not limited to daylong sessions on cleanup progress at LLNL of hazardous and radioactive wastes as it is a Superfund site. Tri-Valley CAREs’ Executive Director, staff, board, and members also participate in annual on-site Superfund community tours hosted by LLNL. Its Executive Director, staff, board, and members also host, and participate in, regularly scheduled events at the LLNL Main Site West Gate and other locations around the fence line of the LLNL Main Site, including but not limited to an annual Hiroshima-Nagasaki commemoration held each August. Tri-Valley CAREs staff also hosts LLNL Main Site fence line tours for visiting journalists, new group members, and other interested individuals.
 5. To carry out its mission, Tri-Valley CAREs utilizes and depends on environmental statutes and the analyses that DOE and NNSA produce according to those statutes, including Programmatic Environmental Impact Statements (“PEIS”) conducted pursuant to the National Environmental Policy Act (“NEPA”).

6. In service of its mission, Tri-Valley CAREs has written repeatedly to the Department of Energy (“DOE”) and the National Nuclear Security Administration (“NNSA”) regarding the agencies’ obligation to conduct a PEIS on the nationwide program to expand plutonium pit production, which reasonably would contain information and analysis of the role of LLNL and other sites in the DOE complex. DOE and NNSA have acknowledged that LLNL and other sites in the complex are an integral part of the agencies’ plutonium pit production plans, but have not provided underlying—and essential—NEPA analysis of those activities, which it reasonably would do in a PEIS.
7. Evidence suggests there will be an increase in “Plutonium Activities” at LLNL in connection to the DOE’s and NNSA’s plutonium production plans. In fact, Tri-Valley CAREs own review of the Fiscal Year 2025 Budget Request for LLNL shows that “Enterprise Pit Production Support” will increase to \$97.35m (more than 50% over the previous year’s request). Yet, these agencies have not conducted any analysis of the potential impacts on the environment or the public’s health and safety of these activity, at LLNL as mandated by NEPA. As a result, Tri-Valley CAREs is thwarted in carrying out its mission due to DOE’s and NNSA’s failure to comply with NEPA and conduct a PEIS on its pit production plans that explicitly and thoroughly addresses the potential impact on LLNL and the surrounding community. It should also be noted that LLNL is unlike other NNSA nuclear weapons facilities in that there are suburban housing developments, community parks, and business parks built right up to the fence line, only a couple of hundred yards from Lab facilities including the Superblock. This close proximity increases the risk to the nearby public of an accident or release from LLNL.

8. A key component for Tri-Valley CAREs to effectively carry out its mission is the availability of information regarding programs and activities at LLNL and across DOE's nuclear weapons complex. Tri-Valley CAREs is directly harmed by DOE's and NNSA's failure to prepare a PEIS because it constitutes the deprivation of environmental information and analysis to which it is legally entitled and directly frustrates its mission by preventing it from adequately educating the public and monitoring DOE activities and programs.
9. The absence of the PEIS evaluating the program-wide and cumulative effects on the environment and the public's health and safety from plutonium pit production at both SRS and LANL and its related activities will necessitate the diversion of Tri-Valley CAREs' resources to obtain such information and disseminate it to the public. This information on environmental and human health impacts—the precise type of information NEPA was enacted to ensure was developed and shared with decision-makers, including the public—is essential to Tri-Valley CAREs fulfilling its purpose.
10. Tri-Valley CAREs submitted public comments pursuant to NEPA on the DOE and NNSA plan to expand plutonium pit production, including written comments on the Amended Record of Decision (“ROD”) at the heart of this action. The organization also submitted spoken and written comments during the Savannah River Site-specific EIS process. Comments were produced, signed, and sent by Tri-Valley CAREs' Executive Director, Staff Attorney, Legal Intern, and more than 100 concerned members of the organization.
11. Tri-Valley CAREs' staff, board, and memberships' comments repeatedly stressed the need for DOE and NNSA to (a) include connected actions as required by NEPA,

including but not limited to connected actions at LLNL; (b) properly analyze alternatives pursuant to NEPA; and (c) undertake a nationwide programmatic review in the form of a new or supplemental PEIS. The organization's comments identified important new information directly bearing on the proposed action and raised issues for the agency to consider. Therefore, the organization is harmed by DOE's and NNSA's performance of the environmental review process for expanded pit production, which ignored outright, or sidestepped with cursory response, important new information and issues detailed in the group's comments at multiple stages of the NEPA process.

12. Tri-Valley CAREs, including its Executive Director, its members, and other stakeholders, is harmed by operations at the LLNL Main Site and its Site 300 high explosives testing range, including dangerous activities directly related to DOE and NNSA's plan to expand pit production. These actions involve, but are not limited to, LLNL's development and testing of a new warhead design into which the pits produced at the LANL and SRS will ultimately be placed.
13. Harms from the connected new warheads activities at LLNL to Tri-Valley CAREs and its members include increased handling of and experiments with hazardous materials at the LLNL Main Site, as well as high explosives tests with hazardous components at the LLNL Site 300. Past weapons development at LLNL has caused uncontrolled releases of chemicals, metals, and radioactivity into the air, soils, and groundwater aquifers at the LLNL Main Site and Site 300 to such an extent that both locations have been placed on the EPA's "Superfund" National Priorities List—in 1987 and 1990 respectively. The Superfund cleanup of soils and groundwater at both locations is multi-generational and is slated to continue until at least the 2040 to 2060 timeframe. This contamination harms

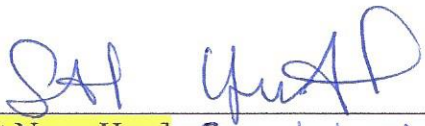
Tri-Valley CAREs and its members by exposing them to toxic and hazardous substances in the air they breathe and potentially to the water they drink. DOE's and NNSA's proposed plan stands to significantly increase the environmental and health hazards already experienced by these members.

14. Tri-Valley CAREs and its members will be harmed by accidents or mishaps with plutonium, which have been documented previously at LLNL and have included airborne emissions of plutonium and other hazardous, toxic and radioactive materials. The nearest public residence is approximately 300 yards away from the LLNL Main Site Superblock. Further, LLNL failed a "force on force" security test at its Main Site Superblock in 2008 and subsequently lost its "Category I/II" security, which means, among other things, that the security force at LLNL was substantially reduced in numbers, training level, and equipment on-hand to repel an inside or outside terrorist threat. This security reduction limited LLNL to possessing only small gram quantities of plutonium and other "Special Nuclear Materials" that are not "nuclear weapons usable" starting in 2012. Less plutonium and Special Nuclear Material on site at LLNL substantially lowered the perceived risk of a release of radiation from the facility, whether by accident, miscalculation or malicious act.
15. Expanded pit production will involve LLNL receiving shipments of plutonium from LANL in New Mexico, 1,100 miles away, according to a table on page 21 of the August 2020 "Supplement Analysis of the 2008 SWEIS for LANL Plutonium Operations." That one-line notation regarding shipments for "Materials Testing" at LLNL in Table 2-1 is not discussed or analyzed in that or any other NEPA document. Tri-Valley CAREs is thwarted from informing its members and other stakeholders about the shipments. Tri-

Valley CAREs is also environmentally harmed by the presence of the plutonium material in heavily populated environments and also by significant uncertainties regarding these shipments as the amount of material, number of shipments, method(s) of transport, and nature of the “materials testing” that will take place have neither been disclosed nor analyzed pursuant to NEPA. Tri-Valley CAREs believes that a PEIS would remedy the harms.

16. Finally, Tri-Valley CAREs’ mission includes achieving justice for workers at LLNL who have been exposed to radiation and toxic chemicals on the job. More than 2990 LLNL employees have applied for federal benefits due to exposures at LLNL. Tri-Valley CAREs has used its resources and staff time to facilitate support groups for these workers and has provided direct assistance to employees who were exposed to plutonium at LLNL’s Superblock and later developed cancer. DOE’s and NNSA’s plan to expand plutonium pit production at multiple sites without fully addressing the impact and the connected actions that would occur at LLNL increases the likelihood of nuclear accidents at LLNL, which will further necessitate Tri-Valley CAREs diversion of resources to assist LLNL employees and impedes their ability to advise the employees regarding the availability of federal benefits

Further the Affiant sayeth not.


[Print Name Here] Scott Yundt

SWORN before me this 30 day of April, 2024.


Notary Public for California
My Commission Expires: 02/28/2027

