

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

OAK RIDGE ENVIRONMENTAL PEACE
ALLIANCE,

NUCLEAR WATCH OF NEW MEXICO,

NATURAL RESOURCES DEFENSE
COUNCIL,

RALPH HUTCHINSON,

ED SULLIVAN,

JACK CARL HOEFER, and

LINDA EWALD,

Plaintiffs,

v.

JAMES RICHARD PERRY, SECRETARY,
UNITED STATES DEPARTMENT OF
ENERGY, and

FRANK G. KLOTZ, ADMINISTRATOR,
NATIONAL NUCLEAR SECURITY
ADMINISTRATION,

Defendants.

Case 1:17-cv-01446-RJL

**DECLARATION OF GEOFFREY L.
BEAUSOLEIL**

I, Geoffrey L. Beausoleil, pursuant to 28 U.S.C. § 1746, declare as follows based upon my personal knowledge:

1. I am the Field Office Manager for the National Nuclear Security Administration (“NNSA”) Production Office, located in Oak Ridge, Tennessee. The NNSA Production Office is a federally-run office that is responsible to execute effective contract management to, among other things, safely and securely maintain the nuclear weapons stockpile at NNSA’s Y-12 National Security Complex (“Y-12 Complex” or “Y-12”) in Oak Ridge, Tennessee (and the

Pantex Plant in Amarillo, Texas).

2. Y-12's core mission is to ensure a safe, secure, and reliable U.S. nuclear deterrent, which is essential to national security. The Y-12 Complex is the Nation's only source of enriched uranium (also known as Special Nuclear Material) used in nuclear weapons and is one of the primary manufacturing facilities for maintaining the U.S. nuclear weapons stockpile. Y-12's nuclear proliferation programs play a critical role in securing our nation and the world and combating the spread of weapons of mass destruction by removing, securing, and dispositioning Special Nuclear Material. The Y-12 Complex also dismantles nuclear weapons components, safely and securely stores and manages enriched uranium, supports nonproliferation activities to reduce the global nuclear threat, and provides enriched uranium for naval, research, and isotope production reactors. Every weapon in the U.S. nuclear stockpile has components manufactured, maintained or ultimately dismantled at the Y-12 Complex, the nation's Uranium Center of Excellence. The Y-12 Complex is managed and operated by the Consolidated Nuclear Security, LLC, under a prime contract with the NNSA Production Office, which administers and oversees the execution of that contract. I am primarily responsible for the administration and oversight of that contract.

3. I have reviewed the Complaint in this action. In the Complaint, Plaintiffs challenge NNSA's determination in an April 16, 2016 "Supplement Analysis" that it did not need to prepare a new or supplemental Environmental Impact Statement ("EIS") under the National Environmental Policy Act ("NEPA"), as well as NNSA's continued adherence to that position. The Supplement Analysis supported a July 5, 2016 Amended Record of Decision in which NNSA approved certain changes to its previous July 20, 2011 Record of Decision. The 2011 Record of Decision had previously authorized the construction of a single structure

Uranium Processing Facility (“UPF”) at the Y-12 Complex and was issued following completion of NNSA’s 2011 Final Site-Wide Environmental Impact Statement for the Y-12 National Security Complex (“2011 EIS”).

4. Under the revised approach approved in the 2016 Amended Record of Decision, instead of proceeding with the construction of a single-structure UPF to meet all of NNSA’s enriched uranium requirements, NNSA decided to meet some of those requirements at existing, but upgraded enriched uranium processing facilities, and the remainder of those requirements at multiple new buildings. The new buildings would each be smaller than the single-structure UPF approved in 2011 and would each be constructed to safety and security requirements appropriate to the building’s function. The approach approved in the 2016 Amended Record of Decision “is a hybrid of two alternatives previously analyzed” in the 2011 EIS. 81 Fed. Reg. 45,139 (July 12, 2016).

5. In the Complaint, Plaintiffs request the Court to vacate NNSA’s 2016 Supplement Analysis and Amended Record of Decision and remand “those decisions to the agency to prepare either a Supplemental Environmental Impact Statement or a new Site-Wide Environmental Impact Statement regarding the new design for the Uranium Production [sic] Facility at the Y-12 Complex.” Compl, at 44, ¶ 2, ECF No. 1. In support of that request, Plaintiffs allege that the new design “is significantly different from the one the agency chose to analyze in 2011” and that Defendants should have considered new information post-dating the 2011 EIS. *Id.* at 2, ¶ 1.

6. In my position as Field Office Manager for the NNSA Production Office, I supervised members of my staff who were directly involved with providing technical input and overseeing the preparation of the 2016 Supplement Analysis. I shared oversight over the preparation of the 2016 Supplement Analysis by federal NNSA and contractor staff with Dale

Christenson, Federal Project Director, UPF Project Office,¹ and we both signed the Supplement Analysis on behalf of NNSA, with the concurrence of NPO Y-12 Counsel, Terri L. Slack. In addition, members of the staff were directly involved with the preparation of the 2016 Amended Record of Decision. As with the 2016 Supplement Analysis, I shared oversight of the preparation of that Amended Record of Decision with Mr. Christenson on behalf of NNSA. Although the 2016 Amended Record of Decision was ultimately signed and issued by Defendant Frank G. Klotz, Under Secretary for Nuclear Security Administrator, NNSA, the analysis and recommended decisions in that Amended Record of Decision were prepared locally by federal NNSA staff at our respective offices, and included input from Mr. Christenson and me, as well as technical information from contractor personnel.

7. The property and facilities that are the subject of this action are located at the Y-12 Complex in Oak Ridge, Tennessee. The UPF Project Office and NNSA Production Office, which are responsible for the NEPA analysis completed in support of 2016 Amended Record of Decision and implementing the construction and upgrades approved in that decision,² respectively, are physically located in Oak Ridge, Tennessee. Further, the facilities that are to be constructed and upgraded under the 2016 Amended Record of Decision are all located at the Y-

¹ The UPF Project Office, headed by Mr. Christenson, is responsible for the construction of the UPF, whereas the NNSA Production Office that I head is responsible for overseeing the upgrades made to the enduring enriched uranium facilities and for UPF operations once UPF construction is complete.

² Pursuant to DOE Order 451.1B, "National Environmental Policy Act Compliance Program," (January 19, 2012), the NNSA Production Office Manager, among other things, is responsible for establishing a NEPA compliance program in project and program planning; determining that an environmental assessment or an EIS is appropriate or required; and preparing a Supplement Analysis and determining whether a supplemental or a new EIS is required for a proposed action.

12 Complex, which is approximately thirty-three miles from the U.S. District Court in Knoxville, Tennessee. The 2016 Amended Record of Decision specifically approved: (1) the construction of a new UPF at the Y-12 Complex, which will consist of a Main Process Building, a Salvage and Accountability Building, Mechanical Electrical Building, Personnel Support Building, and other support facilities, utility infrastructure, and security systems; and (2) maintenance and upgrades to existing, enriched uranium facilities at the Y-12 Complex (Buildings 9995 and 9204-2E) that will house new technologies.

8. The projected environmental effects underlying this action, as addressed by the 2016 Supplement Analysis and 2011 EIS, are entirely local to the Y-12 Complex and the surrounding Oak Ridge, Tennessee area. The purpose of the 2016 Supplement Analysis was to analyze the proposed changes to the action approved in the 2011 Record of Decision to determine if there were substantial changes in environmental impacts or significant new circumstances or information relevant to environmental concerns since the issuance of the 2011 EIS. Both the 2016 Supplement Analysis and the 2011 EIS analyzed the environmental impacts associated with the original proposed action and the amended proposed action for the following resources and issues, all of which are associated with the Y-12 Complex and surrounding Oak Ridge, Tennessee area – land resources, visual resources, noise, air quality, water resources, geology and soils, ecological resources, cultural resources, socioeconomics, Environmental Justice, infrastructure, human health, and waste management. Neither document analyzed environmental resources in the District of Columbia area.

9. The on-the-ground environmental concerns alleged by Plaintiffs are limited to the Y-12 Complex and the surrounding Oak Ridge, Tennessee area. These concerns include the alleged “risk of a catastrophic collapse of aging buildings [at the Y-12 Complex] containing

nuclear weaponry or components of nuclear weaponry,” the possible “release of nuclear or toxic materials,” and an alleged reduced ability to cleanup of legacy contamination at Y-12. Compl. at 2, ¶ 5. In addition, plaintiffs allege that Defendants failed to consider various types of new information relevant to their environmental concerns, including updates to the U.S. Geological Survey maps relative to Y-12’s earthquake analysis; information provided by the Defense Nuclear Safety Board (“DNFSB”) about the seismic vulnerability of certain Y-12 facilities; and environmental impacts associated with retaining the Perimeter Intrusion and Detection Assessment System (“PIDAS”), a security fence at Y-12. *See id.* at 42-43, ¶¶ 116 - 118. All of these categories of information pertain to alleged risks of environmental harm at the Y-12 Complex and surrounding Oak Ridge area. The Complaint alleges no environmental harms that are specific to the District of Columbia area.

10. All of the information used in the 2011 EIS and 2016 Supplement Analysis was generated, collected, and analyzed by federal NNSA and contractor staff at the UPF Project Office and the NNSA Production Office in Oak Ridge, Tennessee. In addition, draft and final versions of the 2011 EIS and the Supplement Analysis were all prepared by NNSA federal and contractor staff at the NNSA Production Office or the UPF Project Office in Oak Ridge.

11. All public outreach in connection with the 2011 EIS occurred in the Oak Ridge area. Public comments for the 2011 EIS were received in Oak Ridge. Public hearings on the Draft EIS were held on November 17 and 18, 2009, in Oak Ridge. Responses to public comments were compiled by federal NNSA and contractor staff in Oak Ridge. Consultation between NNSA staff and the Cookeville, Tennessee Fish and Wildlife Service occurred in Oak Ridge. Consultation between NNSA staff and the Tennessee Historical Commission in the Tennessee Department of Environment and Conservation occurred in Oak Ridge.

12. The determination in the Supplement Analysis that no further NEPA documentation was required was made by senior officials at the NNSA Production Office and UPF Project Office in Oak Ridge. In particular, I, in my position as the NNSA Production Office Field Office Manager, along with Mr. Christenson, in his position as Federal Project Director, UPF Project Office, issued the Supplement Analysis in which we determined that the identified and projected environmental impacts of the proposed action would not be significantly different from those in the 2011 EIS and that neither a supplement to 2011 EIS nor a new EIS was required under NEPA. Likewise, senior officials at the NNSA Production Office and UPF Project Office in Oak Ridge prepared and issued the 2011 EIS.

13. While NNSA Headquarters in Washington, D.C. provides guidance to the NNSA field office in Oak Ridge and ultimately signed the 2011 Record of Decision and the 2016 Amended Record of Decision, both of these documents were drafted by NNSA staff and contractors in Oak Ridge, and no substantive changes were made to these documents after they were transmitted to Headquarters. The 2011 EIS and Supplement Analysis were both prepared and issued locally in Oak Ridge.

14. The Complaint describes an October 27, 2016 letter from Plaintiffs Oak Ridge Environmental Peace Alliance and Nuclear Watch of New Mexico requesting NNSA to prepare a supplemental EIS. *See* Compl. at 36, ¶ 95. NNSA sent separate December 22, 2016 letters to each of these Plaintiffs in response, which letters I signed and which letters were prepared by me and my staff at the NNSA Production Office, with limited input from Headquarters.

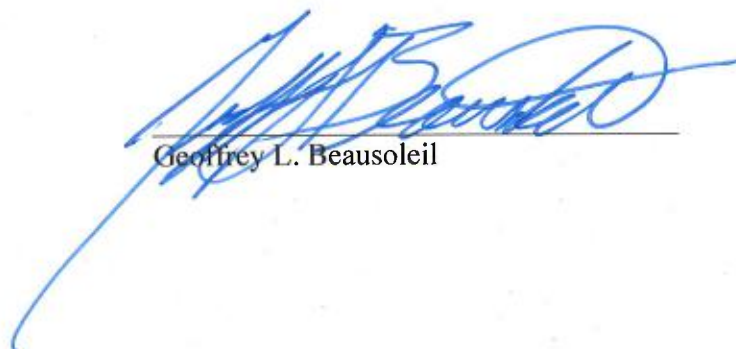
15. The Complaint lists only one of the Plaintiffs in this action – Natural Resources Defense Council (“NRDC”) – as having an address in the District of Columbia. NRDC submitted no comments on the 2011 EIS, did not subsequently exchange any correspondence

with NNSA concerning the Y-12 Complex, and never requested the NNSA to prepare a new or supplemental EIS concerning the actions approved in the 2016 Amended Record of Decision.

16. Personnel most knowledgeable about the NEPA and related issues at hand who could be called as witnesses in the event live witness testimony would be required in this case are all physically located in Oak Ridge, Tennessee.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 25th day of September, 2017.



Geoffrey L. Beausoleil