

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE**

**OAK RIDGE ENVIRONMENTAL PEACE )  
ALLIANCE, NUCLEAR WATCH OF NEW )  
MEXICO, NATURAL RESOURCES DEFENSE )  
COUNCIL, RALPH HUTCHISON, ED SULLIVAN, )  
JACK CARL HOEFER, and LINDA EWALD, )**

**Plaintiffs,**

**v.**

**JAMES RICHARD PERRY, )  
Secretary, United States Department of Energy, )  
and LISA E. GORDON-HAGERTY, )  
Administrator, National Nuclear Security )  
Administration, )**

**Defendants.**

**No. 3:18-cv-00150  
REEVES/POPLIN**

**DECLARATION OF RALPH HUTCHISON**

## DECLARATION OF RALPH HUTCHISON

I, Ralph Hutchison, hereby declares as follows:

1. I am a Plaintiff in this case and the Coordinator for Plaintiff Oak Ridge Environmental Peace Alliance (“OREPA”). I am submitting this standing Declaration on behalf of both myself and OREPA.

2. I am a resident of Knoxville, Tennessee. My home is located within 25 miles of the Y-12 Complex, well within the 50-mile radius that the National Nuclear Safety Administration (“NNSA”) has recognized would be affected by the release of radiological materials from the Y-12 Complex. I began working with OREPA in 1988 as a volunteer and became a staff member at OREPA in 1990. As OREPA’s only Coordinator, I am responsible for organizing many of OREPA’s activities, such as its efforts to prepare comments and solicit public comments on activities relating to the Y-12 facility and to promote attendance at public hearings related to Y-12. I also attend weekly vigils at the entrance to the Y-12 Complex, at which OREPA discusses issues relating to the dangers of the Complex and the dangers of nuclear weapons. I am also a member of the Plaintiff Natural Resources Defense Council.

3. I have been familiar with the Y-12 Complex since 1988, have toured the Complex on at least ten occasions, and have actively participated in preparing and submitting comments during many administrative decision-making processes related to Y-12. I have served on several federal and state advisory boards related to Y-12, such as a “Federal Facilities Environmental Restoration Dialogue Committee” convened by the Environmental Protection Agency in the 1990s, as well as the Oak Ridge Health Agreement Steering Panel sponsored by the State of Tennessee. I am the principal author of comments submitted by OREPA during the 2011 National Environmental Policy Act (“NEPA”) process for the NNSA’s design of a Uranium

Production Facility at Y-12. On behalf of OREPA, I signed a 2014 request for NNSA to prepare a new Environmental Impact Statement when I learned that the agency was altering its Y-12 modernization plans, as well as the 2016 Oak Ridge Petition requesting that the NNSA prepare a Supplemental Environmental Impact Statement (“SEIS”) for its re-design of the UPF. I also submitted comments on NNSA’s 2018 “Supplement Analysis for the Site-Wide Environmental Impact Statement for the Y-12 National Security Complex.”

4. Defendants’ failure to prepare a new or supplemental EIS, and the related NEPA violations detailed in Plaintiffs’ Amended and Supplemental Complaint and summary judgment memorandum, harm my interests in multiple ways because of the grave environmental and public health risks posed by the Y-12 complex that have not been adequately analyzed, or subjected to public scrutiny, as required by NEPA. I am personally threatened by existing contamination at Y-12, especially mercury contamination, because every time a heavy rain falls in Oak Ridge, the level of mercury in the East Fork Poplar Creek, which drains Y-12, exceeds EPA drinking water standards. The level of mercury in this creek always exceeds limits for chronic exposure to biota, thus harming wildlife in the vicinity of the site, including wildlife that I enjoy observing.

5. I am also personally threatened by the prospect of a major earthquake causing a catastrophic loss of containment of nuclear materials from aging, degrading facilities at Y-12. Such an event would release uranium dust or other radiological or toxic material and expose many local residents, including me and my family, to harmful radiation. Such an event, in addition to causing physical harm to myself and my family, would also significantly decrease the value of my property.

6. The fact that there is a serious risk of an earthquake warranting further scrutiny under NEPA is underscored by the recent seismic activity in the vicinity of Y-12. Low-level (lesser than 2.0 magnitude) activity has been recorded with alarming frequency since December 9, 2018. The largest of the recent quakes, a 4.4 magnitude earthquake, occurred on December 12, 2018, near Decatur, Tennessee; it was followed by three smaller aftershocks over the next five days. Since then, at least six more measurable earthquakes have been recorded within 50 miles of Oak Ridge's Y-12 complex: December 12 in Louisville, TN; December 13 in Blaine, TN; December 16 in Mascot, TN; December 23 in Vonore, TN (2.8 magnitude); January 13, 2019 in Maryville, TN (3.0 magnitude); and February 8, 2019 in Morristown, TN (2.8 magnitude). The Decatur earthquake is noted as the second largest earthquake recorded in the East Tennessee Seismic Zone; the greatest in 45 years. It was felt as far away as Atlanta, GA, and Nashville, TN. I have been concerned about earthquakes in the East Tennessee Seismic Zone and their potential impact on Oak Ridge Operations, especially at the Y-12 complex, since reading an article in Science magazine in 1994 that said recent activity indicated seismicity is concentrating and said frequent low-level activity is likely an indicator of building stress that could be expected to produce a large earthquake in the future.

7. The NNSA's refusal to prepare an SEIS as requested by OREPA, as well as NNSA's related NEPA violations, harms my concrete interests. I am threatened by, and live in fear of, the serious risk of a catastrophic collapse of aging buildings containing nuclear weaponry, special nuclear materials, or components of nuclear weaponry, which risks the release of nuclear or toxic materials, placing me and other local residents in extreme peril. I am harmed by the reduced ability of the federal government to conduct necessary cleanups of legacy contamination that has accumulated over the course of decades of nuclear weapon production at

Y-12. I am harmed by the deprivation of environmental information and analysis which I am entitled to receive under NEPA, and denial of the opportunity for informed public participation that is a cornerstone of the NEPA process.

8. OREPA is a 501(c)(3) nonprofit organization located in Knoxville, Tennessee. OREPA's mission is to monitor and inform the public about the production of nuclear weaponry at the Y-12 Complex, to protect the local environment and local communities from harm caused by prior and ongoing production of nuclear weapon components at Y-12, to use non-violent and lawful means to advocate for the end of such production at Y-12, and ultimately to achieve a world that is free from the threat of nuclear weapons. OREPA holds weekly events in Oak Ridge at the main entrance to the Y-12 National Security Complex.

9. The NNSA's failure to prepare an SEIS and its other violation of NEPA, as detailed in the Amended Complaint and summary judgment memorandum, harm OREPA's organizational interests and the interests of our board members in protecting the environment and local communities from harm caused by prior and ongoing production of nuclear weaponry at Y-12. The harms to OREPA's interests include the risk of a catastrophic collapse of aging buildings containing nuclear weaponry or components of nuclear weaponry, which would likely result in the release of nuclear or toxic materials, placing the environment and local residents in extreme peril. The harms to OREPA's interests also include the reduced ability of the federal government to conduct necessary cleanups of legacy contamination that has accumulated over the course of decades of nuclear weapon production at Y-12, and which the Department of Energy's Inspector General has stated poses "ever-increasing levels of risk" to workers and the public. The harms to OREPA's interests also include the deprivation of environmental information and analysis to which OREPA is legally entitled, and the denial of the opportunity for informed public

participation that is a cornerstone of the NEPA process. This has greatly impaired OREPA's ability to perform its central organizational mission of shedding light on activities at, and risks posed by, Y-12. In addition, due to NNSA's NEPA violations, OREPA has been compelled, and will continue to be compelled, to expend significant organizational resources in an effort to pursue, and inform the concerned public about, information that would otherwise be disclosed during a NEPA-compliant process.

10. If the court issues a decision in Plaintiffs' favor, vacates the current Record of Decision(s), and requires additional NEPA review, that will redress my and OREPA's injuries by requiring the NNSA to engage in further scrutiny, informed by public comment, of the environmental and public health harms posed by Y-12, and provide a thorough analysis of alternatives that could be pursued that would avoid or minimize those harms.

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



Ralph Hutchison

Date: \_\_13 February 2019\_\_\_\_\_