

# Citizen's Watch...

## Suing DOE for Documents

In 1998, 2000, 2006, 2008 and, again, on Dec. 28, 2010, Tri-Valley CAREs brought litigation against the U.S. Dept. of Energy (DOE) for its failure to comply with the Freedom of Information Act (FOIA), which requires federal agencies to respond to public requests for information within 20 days.

This, most recent, suit involves seven separate instances in which the DOE and its sub-agency, the National Nuclear Security Administration (NNSA) failed to provide responsive, unclassified documents regarding operations at the Livermore Lab as required by law. The information that is the subject of the litigation is overdue by time periods ranging from six months to more than three years.

During the G. W. Bush years, then Attorney General John Ashcroft adopted policies relating to FOIA that were very unfriendly to requesters. President Obama sought to turn that tide and make government more transparent. On his first day in office, Obama issued an Open Government Directive to increase the amount of information that federal agencies make public on the internet and to decrease FOIA request response times. This policy has been formalized as the Open Government Initiative and every federal agency is required to take steps to comply.

However, the DOE and NNSA have not made any great efforts we can see to comply with the initiative. First, the "new information" is often too little, too late and not what's most useful to the public. Second, DOE and NNSA have continued to lag for months and years in responding to FOIA requests.

Attorney Iti Talwar, a member of Tri-Valley CAREs' Board of Directors who helped prepare the current litigation, stated, "We should not have to file lawsuits in order to obtain public information. Congress enacted the FOIA specifically so that organizations like Tri-Valley CAREs would have free access to unclassified, non-exempt records that disclose the operation of the government."

In addition to suing DOE and NNSA for the documents we requested, our lawsuit requests that the Judge issue a court order appointing a Special Counsel to investigate the agencies' pattern of abuse in failing to comply with FOIA. The Special Counsel would determine whether disciplinary action is warranted and against whom.

"The DOE and NNSA are egregiously out of compliance with the law," noted Tri-Valley CAREs' Staff Attorney, Scott Yundt.

*Continued on page 2*



## New START Ratified

On Dec. 22, 2010, the U.S. Senate ratified the New Strategic Arms Reduction Treaty (START) with Russia, paving the way for modest reductions in the number of deployed, strategic nuclear weapons in both countries.

The U.S. and Russia possess 95% of the world's nuclear bombs. "It is necessary and fitting to take bilateral action, and Tri-Valley CAREs views U.S. ratification as a small but significant step in the right direction," noted Marylia Kelley, the group's Executive Director.

The vote was 71 - 26, with 13 Republicans voting "yes." It has long been discussed that Russian ratification would follow the U.S., and we look forward to that happening in 2011. Among New START's merits are key verification measures, and we welcome their prompt resumption.

However, even as we celebrate its merits, we must warn elected officials and the public about the dark and ominous cloud that hangs on the New START horizon, not because it must, but, rather, solely because political deal-making sullied the ratification process. In truth, New START is such a modest agreement its ratification should have been a short, sweet and cloudless pursuit.

Instead, Senator Jon Kyl (R-AZ) became the ringleader for holding the ratification vote on New START hostage to demands for future funding for new U.S. nuclear weapons and the new bomb plants that will build them. While Kyl's efforts secured Administration promises to request future year monies totaling \$185 billion for so-called "modernization" of the weapons complex and arsenal, this political "deal" is not hard wired into the treaty. The ratification vote does not change the U.S. Constitution's mandate that Congress shall appropriate funds on an annual basis.

Importantly, on a scientific and technical basis, there is no linkage between New START and new bomb plants. Therefore, any U.S. action to build new nuclear weapons design, testing and production capabilities will jeopardize the non-proliferation and disarmament benefits of New START and threaten the treaty's global effectiveness. *(For more on New START and its challenges, [www.trivalleycares.org](http://www.trivalleycares.org).)*

## Suing DOE... *Cont. from p. 1*

"This frustrates the public's basic right to know. The information is of urgent importance to the community, and involves Livermore Lab's plutonium transport, bio-warfare agent experiments, hazardous materials usage, worker exposures, financial irregularities, start up plans for the 'Tritium Facility Modernization Project,' and a proposal for future research and development."

Ms. Talwar added, "By dragging its feet for up to three years and more, and not providing the requested information, the government has not only violated the law but has potentially degraded the value of the information sought, which is often time-sensitive. In some cases, public comment timeframes have elapsed and projects have gone forward while our group's information requests went unanswered."

*More information can be found in our year-end letter, enclosed. The complaint and press release are posted at [www.trivalleycares.org](http://www.trivalleycares.org)*

## Celebrate... *Cont. from p. 3*

**GOAL:** Advance Right to Know

**SUCCESSSES:** In 2010, we reached a favorable settlement in our 2008 litigation against DOE for numerous violations of the Freedom of Information Act. The documents we won provided valuable information we are using to counter DOE and Livermore Lab statements about the supposed safety and security of the Lab's bio-warfare agent research, among other things. And, this Dec., we filed fresh FOIA litigation to compel documents that DOE and NNSA are trying to hide and to seek prosecution of the agencies' pattern and practice of violating the law. Further, we are continuing our legal challenge of the poor environmental review that DOE did in order to open the bio-warfare agent research facility at the Lab. If we prevail in the Ninth Circuit Court of Appeals, we may win public hearings and a full environmental impact statement. **Stay tuned!**

## Status of the Nuclear Weapons Budget



Generally, here is how the annual process works. The President's proposed nuclear weapons budget for the next fiscal year (FY) goes to Congress on the first Monday in Feb. Congressional subcommittees with jurisdiction "mark it up" (i.e., change it). Next, it gets debated in full committee, where more changes can be made. Then, it goes to the full House and Senate, where it can be altered by "floor amendments" if they pass.

And, if there are substantive differences between the House and Senate-passed versions of the bill (and often there are), it goes to a "conference committee" to create a final bill, which then goes to the President for his signature.

This is the usual modus operandi, and it's why we initiate multiple "action alerts" each year, as there are 3 or 4 points in the process where the budget can be changed. That said, this past year has been a bit different, as you may have noticed.

The year began with the FY 2011 budget request going to Congress in Feb. 2010. Here the "normal" ends. As you know from our newsletters and budget report, the President requested a whopping \$7 billion for nuclear weapons activities in FY 2011, a 14% increase over the prior year's budget for the same activities.

As the year unfolded, the President acceded to demands from Senator Jon Kyl and his cohorts for promises to increase nuclear weapons spending in return for Republican votes to ratify New START (note that Kyl voted "no" anyway).

On top of that, there was no FY 2011 nuclear weapons budget bill completed by Congress. The government's fiscal year begins Oct. 1, and Congress passed a short-term "Continuing Resolution," and then another. As the calendar year ran out, Congress passed a new CR funding nuclear weapons activities through March 4.

Usually, a CR freezes an agency at its prior year's appropriation level, which would have been moderately good news for us as it would have meant a \$6.4 billion annual budget rather than \$7 billion. However, Obama requested, and Congress agreed, to fund nuclear weapons activities at the \$7 billion figure in the CR. So, on a prorated basis between now and March 4, the U.S. nuclear weapons budget has increased substantially.

**Here is what we see as the most probable next steps.** First, as soon as the new Congress is sworn in, its Members will probably tackle the nuclear weapons CR. And, while other options exist, the new Congress will most likely pass another CR to fund nuclear weapons through September 30, the end of the fiscal year.

Therefore, **it is important to get your message to new and returning members of Congress this month** that the nuclear weapons budget is unnecessarily bloated. Procedurally, Congress could shrink the budget in the new CR.

Next, Obama will likely send his FY 2012 nuclear weapons budget request to Congress on Valentine's Day, Feb. 14, a week later than usual. **Please mark your calendar now**, and be prepared to respond that you do not [heart] nuclear weapons. While Obama did promise to request more money as part of the "deal" for New START ratification, he can only ask. In the final analysis, Congress appropriates the money.

**It will be a steep climb** to educate Congress and achieve budget cuts, but it is not outside the realm of possibility. We are committed to this struggle. Cutting nuclear weapons spending is a worthy goal, and you are invited to accomplish it with us.

# Alerts 4 U

Monday, January 17

Commemorate the life and legacy of Dr. Martin Luther King, Jr. 10 AM, gather at Tri-Valley CAREs 2582 Old First Street, Livermore (925) 443-7148 for details

This year's celebration of Dr. Martin Luther King, Jr. will focus on the relevance of his message for today's world. We will march together to the downtown Livermore fountains (weather permitting) with signs and banners and take turns reading from one of Dr. King's speeches. Traditionally, we have commemorated Dr. King's holiday with friends from United Christian Church and others. This year, plans are being discussed as we go to press. So, simply come to our office, and we will proceed from there.

## 4 Wednesdays each month

Petition Signature Gathering to clean up pollution at Livermore Lab 11:30 AM - 1 PM, Livermore locations, Safeway, Lucky and Dollar Tree (925) 443-7148 for details

Volunteers are needed for 90 minutes on Wednesdays. Choose one day, or volunteer for more. We are gathering signatures on a Superfund petition to Obama and Congress to prioritize cleanup of toxic and radioactive pollution at Livermore Lab. Board member Beverly King is heading up the signature drive. We will cover Safeway, Lucky and the Dollar Tree. Call our office at (925) 443-7148 to volunteer. This is a great way to make a real difference in the community.

## Thursday, January 20

Tri-Valley CAREs meets 7:30 PM - 9 PM, Livermore Library 1188 So. Livermore Ave. (925) 443-7148 for details

Make a New Year's resolution to become more active with Tri-Valley CAREs. We meet on the third Thursday of the month. At our January meeting, we will discuss strategies to stop the

revitalization (i.e., "modernization") of the nuclear weapons complex and stockpile post-midterm elections and post-START ratification, our plans to achieve greater cleanup at Livermore Lab, our FOIA and bio-lab litigation, our team for "DC Days 2011" and much more! Old-timers and new members alike are welcome.

## January 29 - 31

National Academy of Sciences Prospects for Inertial Confinement Fusion and Energy Generation Committee Meeting in Pleasanton Location, times, comment session TBA

The committee will advise DOE on the prospects for generating power using inertial confinement fusion (ICF), which is an interesting way of posing a research question when DOE's National Ignition Facility is unlikely to achieve the ICF "ignition" that is in its name. Apparently, the committee will straddle the awkward chasm between NIF's problems and DOE's optimism (and hubris) in planning a next generation facility. We have provided comments and will participate in the meetings as part of our "NIF truth telling campaign."

We believe this is an appropriate time and place to comment on NIF's mission (nuclear weapons), costs (around \$7 billion so far) and related topics, including the role of complex technology in resolving social issues like energy generation and consumption. So, do circle the dates, plan to attend, and check our website or the NAS website for details as they become available.

## Thursday, February 3

Letters to the Editor (writing party) 6:30 PM - 8 PM, Tri-Valley CAREs' offices 2582 Old First Street, Livermore (925) 443-7148 for details

Write a letter to the editor of your favorite newspaper. This month's topic will be the National Ignition Facility. Executive Director, Marylia Kelley will share NIF information and handouts. And, if you prefer to write a letter on a different topic, that's great too. Exercise your creative voice in a supportive atmosphere.

# Celebrate... Cont. from p. 4

During the year, we also met with the Defense Nuclear Facilities Safety Board and others to advocate more stringent oversight of accidents and hazards at Livermore Lab. Our tracking of beryllium accidents at the Lab achieved a success when we learned that Lab management had been fined by its parent agency for repeatedly exposing workers to this toxic metal. Our press release broke the story locally and nationally, and numerous news outlets covered it, including the LA Times.



## GOAL: Promote Disarmament

SUCCESSSES: Building on our 27 year tradition advocating for U.S. and global nuclear disarmament, we joined with colleagues in the Bay Area to organize a "Nuclear Abolition Day" demonstration at Bechtel Headquarters in San Francisco, highlighting Bechtel's role in managing Livermore Lab and other sites in the nuclear weapons complex. We also co-organized and hosted about 250 peace advocates in a solemn ceremony at the gates of Livermore Lab to mark the 65th anniversary of the U.S. atomic bombings of Hiroshima and Nagasaki.

On the international scale, we participated as an NGO in the nuclear Non-Proliferation Treaty review conference, speaking on panels and one-to-one with diplomats and other NGOs from around the world on the proliferation dangers of U.S. plans to "modernize" its nuclear weapons complex and stockpile. We supported ratification of New START with Russia, even as we opposed the "deal-making" in which Obama traded promises to request funding for new bomb plants in return for the blessing of Senator Jon Kyl (R-AZ), which he did not get anyway, and Republican votes to secure ratification. While we celebrate the passage of New START, our unceasing work to stop new bomb plants and achieve much deeper reductions in nuclear arsenals goes forward into the New Year.

Continued on page 2



# Happy New Year: Let's Celebrate Some Recent Accomplishments

## GOAL: Stop Nuclear Weapons

**SUCESSES:** As a "watchdog" organization, we have consistently monitored, and successfully countered, nuclear weapons propaganda (and programs) coming out of Livermore Lab and its parent agency, the Dept. of Energy (DOE). During the past year, we have exposed illegal cost accounting practices at the National Ignition Facility, which is intended to train a new generation of bomb designers at Livermore Lab. We also celebrated a 80% gone milestone in our efforts to de-inventory nuclear bomb usable quantities of plutonium and highly enriched uranium at Livermore Lab, further limiting the Lab's nuclear weapons development capacity.

We published a much-used budget analysis, written by Dr. Robert Civiak, of Obama's 2011 funding request for nuclear weapons, detailing its increase and the fact that the Obama budget request exceeds the nation's annual nuclear weapons budgets at the height of the Cold War. We brought community members and youth to Washington, DC and conducted 70 meetings with the Administration and Congress using the report. Working with colleague groups, we succeeded in getting language into the 2011 Defense Authorization bill to make

nuclear weapons "life extension programs" and large construction projects more accountable. This victory could have a long-term impact, laying the foundation now that will help us cut new bombs and new bomb plants in the future. Moreover, we submitted technical comments opposing the new plutonium facility at Los Alamos Lab in NM, the new uranium processing facility at Y-12 in TN, and continued activities at the Nevada Test Site.

## GOAL: Environmental Justice

**SUCESSES:** Nuclear weapons pollute the environment, and Livermore Lab's activities are no exception. In prior years, we have upheld the Superfund law by preventing the Lab from abrogating its cleanup responsibilities. And, when the Lab proposed to dump contaminated groundwater into the Bay, untreated, we stopped it. In 2010, we successfully mobilized the community to achieve a better cleanup plan for the Lab's contaminated groundwater.

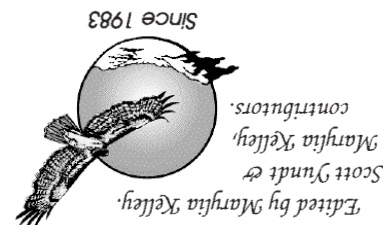
We organized a community meeting, made Lab management listen by insisting that they hold a public meeting, and won a much improved (though not yet perfect) plan to pipe the contaminated water back to the Lab and detoxify it in an existing groundwater treatment fa-

cility, rather than dump it into the Bay. At year's end, we launched a petition drive to ensure that the new plan, and other cleanup activities, will be prioritized and funded. Of national import, our Executive Director was invited by the EPA to participate in a federal facilities dialogue aimed at improving the transparency and quality of environmental cleanup at DOE and DoD sites across the country.

## GOAL: Protect Health

**SUCESSES:** Our actions over the year on behalf of Livermore and other DOE workers made ill by on the job exposures celebrated a victory when the federal radiation advisory committee voted unanimously to expand "Special Exposure Cohort" status for ill Livermore Lab workers. The expanded SEC will ease the burden of proof for a whole new group of sick workers and permit them to receive compensation. Working with Congress, we were able to ensure the new SEC's quick passage into law. Our Staff Attorney was then invited to the first national conference of sick worker advocates in DC, during which he provided training sessions for sick workers and their allies in conducting meetings with Congress.

*Continued on page 3*



RETURN SERVICE REQUESTED

**Tri-Valley CARES**  
Communities Against a Radioactive Environment  
2582 Old First Street, Livermore, CA 94550  
Phone: (925) 443-7148 Fax: (925) 443-0177  
Email: marylia@earthlink.net Web site: www.trivalleycares.org

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# Tri-Valley CAREs

## Communities Against a Radioactive Environment

2582 Old First Street, Livermore, CA 94550 • (925) 443-7148 • www.trivalleycares.org



**Peace Justice Environment  
since 1983**

December 28, 2010

Dear friend,

As Tri-Valley CAREs' staff attorney, I invite you to join me in contemplating the meaning of peace, love — and litigation — as this year draws to a close.

The community, other activists, federal officials and international diplomats consistently **look to Tri-Valley CAREs for concise, accurate and up-to-date information** on nuclear weapons, the Dept. of Energy (DOE) nuclear weapons complex, including Livermore Lab, and its impacts on public health and the environment.

As a reader of our newsletter, *Citizen's Watch*, you know that we are vigilant and dogged in pursuing uncomfortable truths that the government tries to hide behind a veil of secrecy. Tri-Valley CAREs acts as your "David" facing down the government "Goliath" not with a slingshot but with the Freedom of Information Act, the CA Public Records Act and our well-employed ability to use them. **Today, I ask for your financial support to continue this work.**

**We stand at a critical juncture.** The DOE is trying to stop us from obtaining information that we all have a right to know about nuclear plans, back-room deals and potentially fatal accidents. Getting this information into the hands of Congress, other decision-makers and the public can save lives by forcing operational changes — and it can also help change U.S. policy by shining light on the very real effects of rebuilding the nuclear weapons complex, presently proceeding under the rubric of "modernization."

**As you read this, I will be filing litigation in federal court under the Freedom of Information Act.** Our lawsuit will ask the Judge to force DOE to provide documents in not just one area where the agency is trying to stonewall us — but in seven areas.

**The documents we seek are of urgent importance.** They involve: (1) plutonium transport; (2) DOE bio-warfare research; (3) the role of "bio-safety" committees; (4) nuclear worker exposures; (5) use of uranium, tritium and beryllium in bomb tests at Site 300; (6) financial irregularities at Livermore Lab; and (7) start-up plans for the "Tritium Facility Modernization Project" that will double the size of the Lab's tritium facility and add new nuclear weapons capabilities.

Your gift of **\$100** will purchase one month of electronic access to the legal proceedings we need to prepare briefs. **\$1,200** will buy that access for one year. Your gift of **\$500** will defray the cost of producing the "administrative record." And, a donation of **\$350** will cover our filing fee. **I assure you that your contribution in any amount will be heartily welcomed, deeply appreciated, and swiftly put to good use.** If your budget will allow a **\$25** gift, it will buy recycled legal tablets and needed supplies.

**Your donation will be returned many times over in the beneficial change it initiates.** Tri-Valley CAREs is an effective grassroots organization with a strong commitment to mobilizing social and political change from the "bottom up." It makes me proud to be part of a group that is not afraid to take

(turn over)

on the beast that is the U.S. nuclear weapons complex, and that accomplishes so much with a small staff and budget (augmented by a wonderful cadre of volunteers). As you may know, I was on the Tri-Valley CAREs board of directors for many years before becoming the staff attorney in 2009.

In conducting this and other litigation for Tri-Valley CAREs, I am fortunate to be ably assisted by volunteer legal talent, and I am particularly indebted to three attorneys who serve on Tri-Valley CAREs' current board of directors, Iti Talwar, Loulena Miles and Matthew Liebman.

As we embark on this new information act lawsuit, I can tell you that **we will also vigorously continue our litigation under the National Environmental Policy Act** to compel a thoroughgoing environmental review and public hearings on the bio-warfare research facility at Livermore Lab. This dispute is far from over!

**Livermore Lab is operating a dangerous, experimental biological lab**, called a BSL-3, in a portable building near an earthquake fault. Tri-Valley CAREs initially sued in 2003. In 2005, we celebrated a great victory when the Ninth Circuit Court of Appeals ruled that the Lab's parent agency, the DOE, had done an inadequate job of conducting the environmental review for the facility.

The appellate court ordered DOE to analyze the potential impact of a terrorist attack on the bio-lab and to consider whether a full environmental impact statement was warranted. Instead, DOE simply served up a minimally rehashed version of the analysis that the Ninth Circuit had deemed inadequate. Tri-Valley CAREs' legal team swooped in once more to protect the community and filed again in the District Court. Our hopes were dashed, however, by a bad decision rendered recently by the District Court Judge.

This bad decision allows bio-warfare experiments with live anthrax, plague and more to continue with NO additional review or public hearings. And, so, we filed (again) in the Ninth Circuit Court of Appeals on November 18, 2010. As your staff attorney, I seek to uphold the appellate court's earlier order and assure the highest protection of the law for our members. Further, **what happens in our case will influence the standard used for the review of bio-facilities by other agencies across the country.**

For all of these reasons and more, it is imperative that Tri-Valley CAREs prevail in the Ninth Circuit. Yet, this case will not be quickly resolved, easy or cheap. It will require ongoing support from our members and friends. With that help, **I truly believe we will succeed.**

**For 27 years, Tri-Valley CAREs has steadfastly defended public health and safety.** And, we have achieved awesome victories in recent months. For example, we just succeeded in winning government documents in a prior Freedom of Information Act lawsuit (which gives me confidence that we will win this FOIA lawsuit, too!). We "broke" a major story in the media about Livermore Lab being fined for exposing its workers to toxic beryllium. And, we catalyzed members of the community to speak out on the Lab's plan to clean up its toxic groundwater plume. With your help, we will continue.

On behalf of peace, justice and a healthy environment



Scott Yundt,  
staff attorney

P.S. As you recognize, Tri-Valley CAREs provides you with information you won't find anywhere else. **I am asking you to send a tax-deductible donation today to support our litigation and keep that information flowing. Thank you!**

# YES! You Make a Difference



**Hi, I'm Janis Kate.** This photo was taken when I was in DC with a team from Tri-Valley CAREs advocating for cuts to the nuclear weapons budget.

I believe in protecting our earth, locally and globally. It is for this reason that I first became involved with Tri-Valley CAREs.

I remember attending a Livermore Lab meeting and seeing a big map on the wall. When I asked the Lab what the yellow color was that covered my neighborhood, I learned that it indicated the range of the Lab's contaminated ground water plume. I could see clearly that the Tri-Valley CAREs members in attendance were committed to achieving cleanup of this toxic mess, **and I resolved to become more active.**

Since those early days, **I have been consistently impressed** with the way in which Tri-Valley CAREs works to address problems and achieve solutions at the local, national and global levels. For example, Tri-Valley CAREs has won numerous victories in getting the toxic water plumes cleaned up in Livermore, all the while helping other groups around Superfund sites achieve the same goals for their communities.

Similarly, **Tri-Valley CAREs has relationships with groups in Russia** and other countries and conducts advocacy with them on common goals for nuclear disarmament and cleanup of the toxic legacy of the Cold War.

**I believe in Tri-Valley CAREs' mission**, and also in the principled manner in which the group acts collaboratively to carry out its objectives of peace, justice and a healthy environment.



**Hi, I'm Marylia Kelley**, the executive director. I trust you have enjoyed reading our end-of-year letter about some of our litigation from our staff attorney, Scott Yundt.

In winter, we are all reminded to nurture our roots so that they may bloom anew in spring. **One of the roots I carry is a vision of a more just and peaceful earth.**

My hope is to see the roots of nonviolence, faithfully tended by Tri-Valley CAREs and millions like us around the globe, grow and blossom into a world free of nuclear weapons and war.

**Hope needs action to become reality.** And, so, I invite you to join me, and all of us at Tri-Valley CAREs, in making concrete progress toward our goals in the coming year.

## 4 Ways to Donate to Tri-Valley CAREs

**1. Send in your check today.** Why put off until tomorrow the activism you can support today?

**2. Donate on-line at [www.trivalleycares.org](http://www.trivalleycares.org).** We have a secure on-line system with Network for Good. Visit our web site and use it to make a one-time contribution or to set up a regular giving program.

**3. Make a gift of stock.** Donating stock can bring you significant tax benefits. We have an E-trade account and can process your donation simply and easily.

**4. Make a bequest** and include Tri-Valley CAREs in your will. The Dept. of Energy is definitely going to leave a lasting toxic legacy in our community. Will you leave a positive legacy so that we can continue the struggle?

Thank you

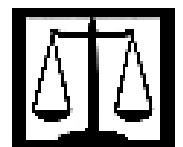
*It all happens here, but not without your help...*



Peace



Love



Justice

One of our members' letters...

# ContraCostaTimes

Dear editor

Here are two disparate items that some politicians are, unfortunately, trying to link: (1) Reduce the US nuclear weapons arsenal, and (2) increase the Dept. of Energy nuclear weapons budget. Trying to have it both ways defies logic.

We all can agree we need to reduce our thousands of nuclear weapons. We also need to agree that the nuclear weapons budget needs to be reduced.

The proposed increase to DOE's budget to build "new and better" bombs is obscene! This will be the largest budget for nuclear weapons ever; larger than the Cold War-era budget for the same activities. We can never use nuclear weapons but still more and more money is spent on their useless pursuit "just in case."

President Obama and Russian President Medvedev signed the New Strategic Arms Reduction Treaty. It will reduce both nations' nuclear weapons. New START also has provisions to verify compliance. So, while Russia waits to see if the Senate will ratify it, DOE's bloated weapons budget continues through Congress.

There are two things we can do. Contact Senators Feinstein and Boxer. Encourage them to ratify New START. Also, ask them to reduce the budget for unnecessary design and development of nuclear weapons.

-- Jo Ann Frisch, Livermore

# Tri-Valley CAREs

*Respected, Effective and in the News!*



## Nuclear lab fined over worker protections

By Ralph Vartabedian,  
Los Angeles Times  
November 10, 2010

The Energy Department said Tuesday it had fined Lawrence Livermore National Laboratory, one of the nation's two nuclear weapons design centers, \$200,000 for deficiencies in its program to protect workers from exposure to toxic beryllium dust...

The fine was disclosed by the watchdog group Tri-Valley Communities Against a Radioactive Environment, which said the fine should have been higher given the lab's "horrendous record of exposing workers to beryllium."

Marylia Kelley, executive director of the group, said the lab has had a significant number of exposure incidents, including one documented case in which 178 construction workers were exposed before the Energy Department had begun its investigation... (full article available at [www.trivalleycares.org](http://www.trivalleycares.org))



## Group Appeals Decision

The Independent, staff  
November 25, 2010

Tri-Valley CAREs (Communities Against A Radioactive Environment), a Livermore, California based community watchdog group, filed its notice of appeal of an October 8, 2010 United States District Court decision denying the group's challenge to an advanced biolaboratory located at the Lawrence Livermore National Laboratory...

The advanced biological agent research facility has a bio-safety level 3 designation (BSL-3) and is authorized to store and experiment with up to 50 liters of deadly pathogens. Scott Yundt, Staff Attorney at Tri-Valley CAREs, said, "The Ninth Circuit gave clear orders to the DOE in 2006 that additional analysis of the threat of terrorism was needed for this facility's environmental review in order to comply with the standards of the National Environmental Policy Act. DOE failed to do so..." (full article available at [www.trivalleycares.org](http://www.trivalleycares.org))

**More articles and members' published letters on our web site**

Tri-Valley CAREs  
2582 Old First St., Livermore, CA 94550

YES! Here is my tax-deductible donation of  
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