

Tri-Valley CAREs

Communities Against a Radioactive Environment

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NUCLEAR “WATCHDOG” FILES FEDERAL LAWSUIT TO COMPEL RELEASE OF INFORMATION ABOUT TOXIC AND RADIOACTIVE DANGERS AT LIVERMORE LAB

Tri-Valley CAREs charges Energy Dept. is illegally withholding documents on toxic “high-risk” facilities, anthrax shipments, use of plutonium in the National Ignition Facility and more; requests Special Prosecutor be named

LIVERMORE & OAKLAND, CA – Today, Tri-Valley CAREs (Communities Against a Radioactive Environment) filed a Federal lawsuit in United States District Court for the Northern District of California against the U.S. Dept. of Energy (DOE) and its National Nuclear Security Administration (NNSA) for numerous failures to comply with the Freedom of Information Act (FOIA), which requires federal agencies to respond to public requests for information within 20 days.

According to the complaint filed today in US District Court, Tri-Valley CAREs alleges four separate instances the DOE and NNSA failed to provide responsive, unclassified documents regarding operations at the agencies’ Lawrence Livermore National Laboratory (LLNL) as required by law. The information that is the subject of the litigation is overdue by up to four years.

“The DOE and NNSA are egregiously out of compliance with the law,” noted Tri-Valley CAREs’ Staff Attorney, **Scott Yundt**. “This frustrates the public’s basic right to know. The information is of urgent importance to the community, and involves important and timely issues like Livermore Lab’s use of plutonium in the National Ignition Facility and the state of decay at aging excess facilities identified by the DOE Inspector General as posing a ‘high-risk’ to workers and the public.”

“As a ‘watchdog’ organization, Tri-Valley CAREs relies on open government laws like the FOIA to do its work and inform the community,” stated **Yundt**. “By dragging its feet for years, 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.”

Yundt noted, “In some cases, important opportunities for public input have elapsed and projects have gone forward while the group’s information requests went unanswered.”

“Many of the documents Tri-Valley CAREs requested contain information about possible breaches of toxic, radiological and biological materials from Lab operations and shipments. Keeping this information hidden does nothing to protect the public,” charged **Marylia Kelley**, the group’s Executive Director. “Instead, it robs the community of the opportunity to press for changes that would better safeguard worker and public health and the environment.”

Kelley continued, “Moreover, DOE and NNSA are illegally withholding information we requested about plutonium policy.”

“The DOE and NNSA have exhibited a ‘pattern and practice’ of not responding to FOIA requests in the manner prescribed by statute,” Staff Attorney **Yundt** stated. “Routinely, these federal agencies have failed to fulfill Tri-Valley CAREs’ FOIA requests within the allotted timeframe and failed to provide an estimated date of their determination as required by President Obama’s 2008 Open Government Directive.”

The group’s lawsuit asks the judge to issue a court order appointing a Special Counsel to investigate the pattern of abuse wherein DOE and NNSA fail to comply with the law. The Special Counsel would then determine whether disciplinary action is warranted and against whom. “A positive ruling could set a precedent for openness and transparency with national implications,” said **Yundt**.

Tri-Valley CAREs was forced to bring similar FOIA litigation to compel the release of documents under the Freedom of Information Act in 1998, 2000, 2006, 2008, 2010 and 2013. “We should not have to file lawsuits in order to obtain public information,” said **Yundt**. “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.”

“We are prosecuting this lawsuit in order to hold the DOE and NNSA accountable and to vindicate the public’s right to be informed and to knowledgeable and democratically influence Livermore Lab projects and the nation’s nuclear weapons policies,” concluded **Kelley**. “The information we seek impacts our lives and our future.”

Tri-Valley CAREs was founded in 1983 in Livermore, CA by neighbors of the Dept. of Energy National Nuclear Security Administration’s Lawrence Livermore National Laboratory, one of two locations where all U.S. nuclear weapons are designed. The Lab’s Main Site in Livermore was placed on the federal Superfund list of most contaminated sites in the country in 1987. Livermore Lab’s Site 300, located between Livermore and Tracy, was placed on the federal Superfund list in 1990. Tri-Valley CAREs represents 5,600 members, most of whom live and/or work in the shadow of Livermore Lab.

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A PDF of the Complaint filed today is available at www.trivalleycares.org. We can also email it upon request. Call us at (925) 443-7148.