

LOOKING BACK; PROVIDING A FRAMEWORK TO MOVE FORWARD

A SUMMARY ANALYSIS OF THE PAST 12 MONTHS

- *Goals and program priorities from our July 2017 Strategic Planning Retreat*
- *Victories enjoyed and objectives yet to be achieved*

Introduction:

Our activities over the past 13 months have focused on changing U.S. policy regarding nuclear weapons, nuclear materials, cleanup and health – at the Lawrence Livermore National Laboratory (LLNL) and throughout the U.S. Department of Energy (DOE) National Nuclear Security Administration (NNSA) nuclear weapons complex.

Tri-Valley CAREs has continued to serve as an effective “watchdog,” monitoring nuclear weapons policy, the DOE, NNSA, and, in particular, Livermore Lab. Our influence often leads to visible outcomes. These pages contain some examples.

Also in 2017 our Executive Director Marylia Kelley won the Local Hero’s for Peace Award from the Mt. Diablo Peace and Justice Center. Additionally, the International Coalition to Abolish Nuclear Weapons (ICAN) won the Nobel Peace Prize, sharing the honor with its coalition groups (of which TVC is one) for efforts to achieve UN adoption of the Treaty on the Prohibition of Nuclear Weapons (TPNW), which is presently going through its signature and ratification provisions in order to achieve “entry into force.”

In winning on many of our issues, we used the Freedom of Information Act and other means to force public disclosure. Then, we shared the information with decision-makers and the public. To succeed, we also produced detailed analyses, comments and reports on nuclear issues to influence policy. We met with members of the U.S. Congress, the Trump Administration, our California State legislators and other decision-makers. We spoke with members of the press. We organized rallies. We made common cause with numerous groups and individuals to amplify our message. Our community organizing and public involvement activities also led to many victories.

Overall, we have achieved considerable progress on the issues we chose at strategic planning in 2017, as well as one surprise issue that popped up suddenly near the end of 2017.

What we said we would prioritize at last year’s retreat (in rank order):

These six were chosen to be the group’s program priorities for 2017-2018.

1st Place: CLEAN UP AND PREVENT POLLUTION AT THE LIVERMORE LAB MAIN SITE & SITE 300 HIGH EXPLOSIVES TESTING RANGE.

This priority is about remediating leaking toxic and radioactive wastes at Livermore Lab, preventing further contamination, and involving affected communities in Superfund cleanup decision-making.

2nd Place (tie): OBTAIN JUSTICE FOR SICK WORKERS WITH A FOCUS ON LIVERMORE & SANDIA LAB WORKERS MADE ILL BY ON THE JOB EXPOSURES.

This priority is about justice for workers exposed to toxic and radioactive materials on the job and includes assisting ill workers, or surviving family members, in obtaining compensation under the Energy Employees Occupational Illness Compensation Program Act.

2nd Place (tie): STOP NEW NUCLEAR BOMBS AND BOMB PLANTS.

This priority is about stopping the development of new and modified U.S. nuclear warheads, with a focus on Livermore Lab's development of the Long-Range Stand Off warhead and the "Interoperable Warhead-1," and preventing construction of new bomb plants nationally that would be used to produce the new bombs.

2nd Place (tie): WATCHDOG LIVERMORE LAB ACTIVITIES, WITH A FOCUS ON CONSTRAINING USE OF PLUTONIUM AT THE NATIONAL IGNITION FACILITY AND PROMOTING CIVILIAN SCIENCE.

*This priority is about monitoring activities at Livermore Lab that are **not** specifically part of the "Stop New Nuclear Bombs..." and "Clean Up..." priorities and would include new activities by the group in support of a "green lab."*

5th Place: PROMOTE GLOBAL NUCLEAR DISARMAMENT, NON-PROLIFERATION & THE "RULE OF LAW."

This priority is about promoting the global elimination of nuclear weapons, with a focus on activities to support the Treaty on the Prohibition of Nuclear Weapons, the Non-Proliferation Treaty and similar instruments of international and humanitarian law.

Measuring our progress over the past 13 months:

This section speaks to our "accountability" in doing strategic planning. Did we do what we said we would at the last retreat? How faithfully did we hew to the priorities we chose in expending our collective time, energy and resources over the course of the year? Did we address each one? Did we make good use of our strategic "toolbox" and employ the appropriate methods to achieve our goals? Was our work plan strategic? What did our work accomplish? How well did we do overall? Where did we fall short? And, how did we handle any unforeseen events?

Here is our look back, which is foundational to our 2018-19 strategic planning retreat in particular - and to our collective ability to "look forward" as an organization in general.

CLEAN UP AND PREVENT POLLUTION AT THE LIVERMORE LAB MAIN SITE & SITE 300 HIGH EXPLOSIVES TESTING RANGE.

We have:

- a. Conducted regular daylong meetings with the Lab, DOE, EPA, State Dept. of Toxic Substances Control and Regional Water Quality Control board on both the Main Site and Site 300. These meetings ensure that we are kept apprised of Livermore Lab and agency thinking and plans and that we have a method of tracking (and restating when necessary) the perspectives of the affected communities. One notable accomplishment is that we pressed the Lab and regulatory agencies to obtain a new LLNL

Superfund “Community Involvement Plan” for the Main Site and Site 300; we achieved this objective earlier this year. In updating the plans, LLNL clarified its basic public involvement responsibilities in a manner similar to what we had advocated.

- b. Sponsored a community meeting in Tracy on the Site 300 cleanup in September 2017. Panelists included EPA Region IX’s Andy Bain, TVC’s environmental scientist, Peter Strauss, and the group’s executive director, Marylia Kelley, and its outreach and Spanish language translation specialist, Valeria Salamanca. The forum was well covered by local media. TVC released a new, updated report by Peter Strauss, “State of the Superfund Cleanup,” at the event. TVC also launched a petition drive to close open-air firing tables at Site 300 (a move that would very shortly thereafter seem prescient when LLNL announced plans to increase the size of bomb blasts on its outdoor firing table at Site 300’s Building 851).
- c. Published Letters to the Editor, *Citizen’s Watch* newsletter articles, blogs, flyers and factsheets (including translating materials into Spanish) throughout the period.
- d. Continued coordinating an advisory committee of Tracy residents to provide input on our future Site 300 cleanup activities. Our p/t bi-lingual organizer and TVC volunteers also conducted outreach in Tracy and surrounding communities throughout the year.
- e. Created and disseminated an online virtual tour of Site 300. Presented at several public speaking engagements in the Tracy area, including for Rangers and staff at the State Park across from Site 300.
- f. Conducted a successful Youth Video Contest (fourth year in a row). Awards took place at our holiday party, and winning videos are on our website.
- g. Continued to play a leadership role in the statewide Calif. Environmental Justice Coalition.
- h. Filed briefing on our Petition to Review the State Dept. of Toxic Substances Control’s hazardous waste permit issued to the Lab’s Main Site. Received a successful decision from the hearings official remanding the Permit back to the permitting office for revision and a new public process.
- i. Tracked the cleanup budgets in 2017 and 2018, and helped assure appropriate funding for the Main Site and Site 300 Superfund cleanup programs. One notable outcome is that there have been no funding cuts to cleanup. Further, LLNL received monies for which we advocated to begin to address dangerously contaminated (aka “high risk”) abandoned buildings on-site.
- j. Conducted education and advocacy during “DC Days 2018” by meeting with the current Administration and Congress regarding the Superfund cleanup. As noted above, the TVC team advocated for funds to D&D the “high-risk” facilities.
- k. One way we support worker and public safety and prevent more toxic spills at the Lab is by meeting with – and advocating for - the Defense Nuclear Facilities Safety Board (DNFSB). The small agency has come under attack and much of its authority to inspect and ensure safety and security at sites like LLNL will be stripped away under a new DOE policy. We are opposing the changes and making efforts to protect the DNFSB’s important oversight work. In August 2018, TVC’s senior policy consultant, Kathy Crandall Robinson, testified at a DNFSB Hearing in DC on the dangers posed by the changes DOE is instituting. We have also informed Congress of our concerns, and we are anticipating an initial Congressional action soon.

1. Tri-Valley CAREs devoted substantial effort and time to challenging the Lab's sudden proposal to increase the strength and frequency of bomb blasting at Site 300. (Our specific efforts are outlined later in this report.)

OBTAIN JUSTICE FOR SICK WORKERS WITH A FOCUS ON LIVERMORE & SANDIA LAB WORKERS MADE ILL BY ON THE JOB EXPOSURES.

We have:

- a. Published one newsletter and hosted a support group meetings for workers made ill by on the job exposures.
- b. Presented at several town halls organized by home health care agencies. Scott Yundt, our staff attorney, also wrote an article in a widely circulated home health care newsletter. He also attended a Department of Labor Authorized Representative workshop in Richland, WA.
- c. Assisted numerous individual workers with their compensation claims under the Energy Employees Occupational Illness Compensation Program Act.

STOP NEW NUCLEAR BOMBS AND BOMB PLANTS.

We have:

- a. Continued to play a lead role scuttling the new Long-Range Stand Off warhead (called the W80-4), slated to be developed at Livermore Lab, including but not limited to producing sections on LRSO for reports and fact sheets, conducting key meetings with decision-makers, and more.
- b. Collaborated with more than two-dozen groups and more than 150 participants to create a powerful rally and nonviolent direct action on August 6 at Livermore Lab to commemorate the anniversary of the atomic bombings of Hiroshima and Nagasaki.
- c. Participated and supported the national campaign and legislation to restrict the first use of nuclear weapons, particularly the President's ability to launch a first strike with nuclear weapons on his sole authority, including by meeting with Rep. Ted Lieu, the lead author of HR669 and Sen. Ed Markey, the lead author of S200, the Restricting First Use of Nuclear Weapons Act of 2017. TVC also conducted meetings at the State Capitol and participated in the Assembly Hearing for Assembly Joint Resolution 30 (Aguiar-Curry), which supported the federal legislation to restrict first use. That resolution successfully passed both houses of the CA legislature, putting our state on record.
- d. Offered a national webinar on U.S. nuclear weapons, focusing on the Interoperable warhead and other novel designs that could lead to resumption of nuclear explosive tests in Nevada. In conjunction with the webinar and with colleagues in WAND and the Nuclear Age Peace Foundation, we launched a petition drive to forestall funding for the development of new nuclear designs and/or enhanced readiness funds to conduct nuclear explosive testing in Nevada. 10,000 signatures were gathered, and TVC handed them in person to management staff at the White House Office of Management and Budget and to key members of Congress with oversight authority for nuclear weapons including Senator Dianne Feinstein, Ranking member of the Senate Energy and Water Appropriations Subcommittee and Rep. Adam Smith, Ranking member of the House Armed Services Committee.

- e. Led grassroots efforts to address and counter the new Trump Administration Nuclear Posture Review, released in February 2018. TVC conducted meetings with Congress, produced a 4-page “readers guide” to assist the public in understanding the document and its importance, and spoke about it at venues that included the Walnut Creek Rotary Club, the Monterey Peace & Justice Center, the Good Friday service at Livermore Lab, the California State Green Party convention and everything in-between.
- f. Continued throughout the period to track the nuclear weapons budget process. Also provided extensive analysis of the Fiscal Year 2019 budget request for nuclear weapons. These analyses covered both the overall NNSA budget request and the specific LLNL budget. TVC also spoke on budget issues at multiple venues like the ones noted above.
- g. Continued writing in *Citizen’s Watch* and other publications about new U.S. nuclear weapons programs, including recent articles covering the Trump Administration’s new low yield “more usable” sub-launched warhead and its new industrial scale plutonium bomb core production plans, among other topics.
- h. Attended the annual strategic planning retreat of arms control groups in Washington, DC as well as other key national and regional meetings throughout the year.
- i. Conducted DC Days in May 2018. TVC team members met with the Trump Administration and Congress regarding nuclear weapons programs, and did “move the ball” by supporting and/or contributing ideas for specific bills and amendments.
- j. Created a FOIA guide to assist our colleague groups in the Alliance for Nuclear Accountability (ANA) in their efforts to expose and challenge US nuclear weapons pursuits. Scott Yundt presented on FOIA and the guide at the ANA Fall 2017 Meeting.

WATCHDOG LIVERMORE LAB ACTIVITIES, WITH A FOCUS ON CONSTRAINING USE OF PLUTONIUM AT THE NATIONAL IGNITION FACILITY AND PROMOTING CIVILIAN SCIENCE.

We have:

- a. Continued to track NIF’s budget and raise questions about its efficacy; our efforts supported a cut to NIF in the FY19 budget request. LLNL subsequently fought and has gotten some of that money reinstated, but not all of it.
- b. Filed FOIA requests to obtain more recent information about plutonium shots at NIF; the NNSA has not yet responded. We expect to do some original blogging and other writing in the near future.

PROMOTE GLOBAL NUCLEAR DISARMAMENT, NON-PROLIFERATION & THE “RULE OF LAW.”

We have:

- a. Planned, sponsored and/or spoken at major demonstrations for disarmament at Livermore Lab, particularly the aforementioned Hiroshima-Nagasaki event and supporting our faith community friends on Good Friday. Additionally, TVC played a leadership role in all of the planning for the August demonstrations in 2017 and 2018.

- b. Presented at and supported numerous venues about U.S. nuclear weapons policy, budget and nuclear disarmament, including at the UN just prior to our last year's strategic planning retreat and then in December by hosting a celebration of the Nobel Peace Prize and a reading of the TPNW at the West Gate entrance of Livermore Lab.
- c. Supported the "No Military Attack on North Korea" campaign
- d. Advocated and testified for the California Assembly Joint Resolution 33 (Limon), which supports the Treaty on the Prohibition of Nuclear Weapons among other measures. TVC was invited to testify on AJR33's behalf prior to its vote in committee. AJR 33 then passed in committee and in the full Assembly and Senate, putting California on record supporting the TPNW and other measures toward nuclear weapons abolition.

NOTE: In addition to specific priority program work, we have pursued multi-program activities through our participation in the Alliance for Nuclear Accountability (weapons, disarmament and cleanup) and through other coalitions such as the California Environmental Justice Coalition. We have also supported multi-programmatic goals through numerous local activities, including monthly meetings, LTE parties and more. Moreover, we have done significant "ally" work to support initiatives in clean energy and climate change, to cite but two examples.

The Unforeseen Priority: Preventing Bigger Bomb Blasts at Site 300

In November 2017, the Lab published a tiny notice in the Tracy Press that it planned to issue an Environmental Assessment (EA) of its plan to increase the high-explosives weight and size of open-air bomb blasts at Site 300. While a similar plan had been "floated" by the Lab years before (and defeated by TVC and the public) the formality of the announcement required us to spring into immediate action if we were going to do anything about it. First step involved a staff review of the proposal, in which we discovered that it was a significant (10-fold) increase in the size of the bomb blasts and a significant (7.5 fold) increase in the annual weight of the blasts. We immediately asked for an extension of the comment period, and pointed out several problems with the public notice. The Lab extended the comment period only slightly, but it gave us some time to mobilize.

Because the plan was not known at the time of the 2017 Strategic Planning Retreat, staff first initiated a process with our board and membership to educate them and then decide how Tri-Valley CAREs should proceed. Both the board and the membership, (e.g., at our monthly meetings), reached a consensus that it was Tri-Valley CAREs' duty to challenge the proposal and that doing so was well within our mission.

We began with web postings, newsletter articles, and a petition/sign on comment to the DOE/NNSA's EA. Over 1000 of those were submitted (including late submittals after the December holidays, the number reached around 2,000). We also catalyzed significant opposition to attend a Tracy City Council meeting. This resulted in a unanimous letter of opposition from the City Council being submitted as a comment to the EA. Despite the many comments and significant opposition, including from San Joaquin County as well as the City of Tracy, the DOE decided to respond to comments while immediately issuing a Finding of No Significant Impact, giving themselves a green light for the proposal. This was unsurprising because the DOE always gives itself the green light, but it also kicked the regulatory ball to the regional air district to issue – or deny - the project a permit to operate for the bigger blasts.

The San Joaquin Valley Air Pollution Control District (SJVAPCD) must comply with the California Environmental Quality Act (CEQA), which has some different, and more stringent, requirements than the federal law under which the DOE produced the EA.

In preparation for the SJVAPCD's Draft Air Permit and CEQA determination, among other activities, Tri-Valley CAREs held a community meeting in Tracy in February, which resulted in the creation of a new petition, and a Strategy Forum in Tracy in April, which resulted in a campaign to get many other San Joaquin Valley organizations involved. Tri-Valley CAREs drafted a resolution opposing the bomb blasts that was passed by the California Environmental Justice Coalition in May.

In July, we mobilized over 100 people to the SJVAPCD public hearing, where the air district showed itself to be woefully unprepared. In sharp contrast, our members, friends, and other members of the public made eloquent and extensive oral comments. We submitted more than 1,500 new sign on comments, and, later, we submitted an extensive written comment. We are still awaiting the air district responses to comments. This effort is ripe for discussion at this year's Strategic Planning Retreat.

Conclusion:

At Livermore Lab and other DOE NNSA sites, the continued development, testing and production of U.S. nuclear weapons is both proliferation-provocative and hazardous to human health and the environment. We who live around U.S. nuclear weapons facilities have the fundamental moral, legal and democratic right to participate in decision-making. Moreover, the broader public at large also has a right and responsibility to participate in these important policy decisions.

That said, it appears that the last thing DOE wants is an informed public exercising these rights. Many of DOE's most controversial program details and decisions are shrouded by techno-speak and buried in the middle of complex technical planning documents, if they are made public at all.

Tri-Valley CAREs serves as a unique watchdog and "counterweight" in Livermore. Our events are well attended, and we continue to play an important role in catalyzing a wide range of groups to come together and influence decisions. The residents of Livermore, Tracy and surrounding communities, including many people who work at the Livermore Lab, value the information and education services we provide. This can be seen in supportive letters to the editor, appreciative phone calls to our office and even in the receipt by our office of info from Livermore Lab employees who want to share what they know but are afraid of DOE reprisal.

Further, our ability to monitor DOE activities and influence policy can be seen in instances where DOE officials have modified decisions based on public pressure we have generated. Tri-Valley CAREs' combination of research, public education and grassroots advocacy is designed to help affected communities – here in Livermore and across the country – become better informed and exercise their rights.

We help pierce through DOE's veil of secrecy and bring nuclear weapons policy to a level that the community can see and understand. To this end, Tri-Valley CAREs has continued to use community right to know laws to involve the public and curtail nuclear weapons, including but not limited to the Freedom of Information Act.

###