

# Tri-Valley CAREs

Communities Against a Radioactive Environment

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*Peace Justice Environment  
since 1983*

## **Prepared for Tri-Valley CAREs' August 13, 2011 Annual Strategic Planning Retreat**

### **LOOKING BACK, PROVIDING THE FRAMEWORK FOR MOVING FORWARD**

#### A SUMMARY ANALYSIS OF THE PAST 12 MONTHS

- Goals and program priorities from our August 2010 Strategic Planning Retreat
- Victories enjoyed and objectives yet to be achieved

#### **Introduction:**

Our activities over the past 12 months have focused on changing U.S. policy regarding nuclear weapons, nuclear materials, cleanup and biodefense – at the Lawrence Livermore National Laboratory (LLNL) and throughout the Department of Energy (DOE) National Nuclear Security Administration (NNSA) nuclear weapons complex.

Tri-Valley CAREs has continued to serve as an effective “watchdog,” monitoring the DOE, the NNSA and, in particular, Livermore Lab. Our ability to influence policy is often visible. These pages contain some of the examples of that work.

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 Congress, the Obama Administration and other decision-makers. We held press conferences. We organized rallies. We made common cause with numerous groups and individuals to amplify our message. Our local community organizing and public involvement activities also led to many victories. And, in select situations, we pursued federal litigation to enforce our Nation's environmental and public right to know laws.

Overall, we have achieved remarkable local and national progress on the issues we chose at our strategic planning retreat in 2010.

#### **What we said we would prioritize coming out of last year's retreat:**

Tri-Valley CAREs' Board of Directors, staff and representatives from our membership met in August 2010 to chart a 12-month path. The programs that received significant votes in 2010 were:

<b>Rank</b>	<b>Program</b>
#1	Stop further development of nuclear weapons and new bomb factories to build them
#2	Stop bio-warfare agent research at LLNL and other DOE facilities from proceeding without full environmental review under the National Environmental Policy Act
#3	Improve cleanup of toxic and radioactive contaminants at LLNL main site and Site 300
#4	Conduct a NIF “truth telling” campaign / stop use of plutonium in NIF
#5	Promote global nuclear nonproliferation and disarmament (tie)
#5	Promote a Green Lab and removal of LLNL from the NNSA weapons complex (tie)
#7	Improve the compensation program for sick workers / obtain justice for workers

### **Measuring our progress over the past 12 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? Here is our look back, which is foundational to our August 2011 strategic planning retreat in particular and to looking forward as a group in general.*

#### **1. Stop further development of nuclear weapons and new bomb factories to build them**

- Together with colleague organizations, Tri-Valley CAREs got accountability language in the Defense Authorization Bill that requires the Department of Energy (DOE) National Nuclear Security Administration (NNSA) to justify large construction projects and warhead Life Extension Programs. This could have a beneficial, long-term impact by constraining the ability of DOE NNSA to receive full funding for proliferation-provocative and ill-advised nuclear weapons “modernization” programs (read as revitalization of the weapons complex and new warhead production).
- Tri-Valley CAREs played a key role in organizing the April 2011 “DC Days” event with the Alliance for Nuclear Accountability. This resulted in more than 100 meetings with the Obama Administration and members of Congress. TVC conducted briefings and brought community and youth voices to Washington DC to participate and meet with congressional and agency officials.
- In March 2011, Tri-Valley CAREs released an analysis of the Fiscal Year 2012 nuclear weapons budget request that was not only used by our group (including at DC Days when more than 100 copies were given to Congress and the Administration), but was also used by groups around the country. Our report was cited in numerous organizations' factsheets, newsletters, action alerts, and other materials. Dr. Robert Civiak, physicist and former Budget Examiner for DOE nuclear security activities at the White House Office of Management and Budget, prepared the detailed analysis. The report includes a number of recommendations to Congress that would save more than \$1 billion immediately while maintaining (and increasing) genuine safety and security.

- Following the release of our budget report and our DC Days in-person visits, Tri-Valley CAREs and colleagues initiated a national "call-in week" on the nuclear weapons budget. Many hundreds of calls and letters were generated by our collaborative efforts.
- Subsequently, the House of Representatives voted to cut some of the money out of the nuclear weapons budget request, including for a new plutonium bomb core factory (called the CMRR) and for a new mixed oxide nuclear fuel factory (called MOX). They also voted to zero out billions in "loan guarantees" for the nuclear industry, another of Tri-Valley CAREs' requests made during DC Days and in our subsequent actions.
- This summer, the Ploughshares Fund convened a coalition of national and local groups working on nuclear weapons budget issues and Tri-Valley CAREs was invited to be a partner in this new network. TVC is on both the political advocacy and the media and messaging subcommittees and will be undertaking targeted, coordinated activities to curtail nuclear weapons spending with this coalition over the coming two years.
- Tri-Valley CAREs submitted extensive comments pursuant to the National Environmental Policy Act on DOE NNSA nuclear weapons projects over the past 12 months. We submitted scoping comments prior to production of a draft report – and, then, we submitted detailed comments criticizing the NNSA's inadequate Draft Supplemental Environmental Impact Statement on the Chemistry and Metallurgy Research Building Replacement (CMRR) Project at Los Alamos in NM.
- Tri-Valley CAREs also submitted detailed technical comments on the Uranium Processing Facility at Y-12 in TN and will be working with the Oak Ridge Environmental Peace Alliance and others on possible follow up now that the Record of Decision on that project has been released. TVC also produced scoping comments for the Nevada Test Site Site Wide Environmental Impact Statement and will be preparing comments on the draft in the coming weeks. Similarly, TVC is preparing scoping comments on the draft SWEIS for Sandia Lab.
- Tri-Valley CAREs presented on nuclear weapons and the "modernization" of the weapons complex on numerous occasions over the past 12 months. In one instance, TVC and Nuclear Watch New Mexico co-presented at a 2-day workshop on nuclear weapons in Washington, DC. The workshop focused on the elimination of nuclear weapons in the U.S. Robert Alvarez, a former Senate and DOE staffer and a senior scholar at the Institute for Policy Studies, hosted the workshop.
- Tri-Valley CAREs' members published more than 20 different Letters to the Editor over the past 10 months on a range of topics, including on the need to stop the further development of nuclear weapons and the construction of new bomb plants like the CMRR and UPF. These letters were published in numerous papers, including the Independent, Valley Times, Tri-Valley Herald, Contra Costa Times, The Pleasantonian, Oakland Tribune, San Jose Mercury News, San Francisco Examiner, The Montclairion, and the San Francisco Chronicle. One of our member's letters was picked up by a national news service and several caught the attention of our Senators and Representative, according to their staff.
- Tri-Valley CAREs won a first place trophy for its float in the 2011 Livermore Rodeo Parade. This year's entry focused on the choices we make as a society. The theme was: Weapons...or Families.

What do we cherish? What should we fund? Our float advocated funding cuts for nuclear weapons and preservation of funds needed for social programs and the environment. TVC members handed out more than 1,000 leaflets promoting cuts to polluting nuclear weapons programs along the parade route.

- In 2011, DOE NNSA announced that it had removed 80% of the weapons usable quantities of plutonium and highly enriched uranium from Livermore Lab. While this is a significant victory for our safety and security, and a step toward curtailing LLNL's weapons design activities, Tri-Valley CAREs will continue to advocate that these materials never be used again in weapons, that the plutonium oxides sent to the Savannah River Site not be used in mixed oxide fuel (MOX) and that the smaller amounts of plutonium and highly enriched uranium that are to be left at LLNL not be used in the National Ignition Facility (NIF) or other bomb R & D programs.

## **2. Stop bio-warfare agent research at LLNL and other DOE facilities from proceeding without proper environmental review**

- Over the past 10 months, Tri-Valley CAREs' legal team filed an appeal of a bad lower court decision in the 9<sup>th</sup> Circuit Court of Appeals. Our team has subsequently fully briefed the National Environmental Policy Act issues relating to the BSL-3 bio-warfare agent facility at LLNL for the U.S. 9<sup>th</sup> Circuit Court. Staff Attorney Scott Yundt will orally argue the case before a 3-judge 9<sup>th</sup> Circuit panel in the coming months.
- Most of our activity over the past 12 months has centered on the litigation; other activities have increased public knowledge of biodefense policy in general and the LLNL facility in particular. Some examples of additional activities include newsletter articles, media outreach and interviews, and letters to the editor.

## **3. Improve cleanup of toxic and radioactive contaminants at LLNL main site and Site 300**

- Tri-Valley CAREs pressed LLNL to come up with an environmentally acceptable plan for the offsite contaminated groundwater plume that is emanating from the main site into nearby neighborhoods. In doing this, TVC actively involved community members in the decision, e.g., we held a community meeting in Sept. 2010 and pressed LLNL to hold a public meeting, which it did in October 2010 (notably, announcing its meeting only after we announced our community meeting.)
- Tri-Valley CAREs launched a Superfund petition to show community support for fully funding clean up activities at Livermore Lab. To date, we have collected approximately 1500 signatures and counting. We brought those petitions with us to DC Days and presented them in meetings with Congress and the Administration.
- Tri-Valley CAREs submitted technical comments on numerous documents pursuant to the Superfund cleanup at the LLNL main site, including comments on the Draft Focused Feasibility Study of Methods to Minimize Mixed Hazardous and Low Level Radioactive Waste from Soil Vapor and Ground Water Treatment Facilities at the Lawrence Livermore National Laboratory Livermore Site.

- Tri-Valley CAREs also submitted detailed comments on the TFA West Restoration Project, i.e. Livermore Lab's plan to deal with the leading edge of the off-site contaminated groundwater plume.
- Tri-Valley CAREs organized an inside-the-fence Superfund tour of LLNL Site 300 with key Lab staff, Tri-Valley CAREs' Environmental Scientist and Superfund Technical Advisor, Peter Strauss, and 10 Tri-Valley CAREs members. Following this visit, Tri-Valley CAREs' staff prepared a detailed comment letter on the June 2011 Characterization Work Plan for the Building 812 "firing table" area at Site 300.
- Tri-Valley CAREs prepared a newsletter article on the Building 812 firing table cleanup issues and Peter Strauss prepared a Technical Memo for the Plan to accompany the article. TVC has been instrumental in opposing any relaxation in cleanup standards for depleted uranium in soil at the Building 812 area at Site 300, and this work will continue in the coming months and years.
- Tri-Valley CAREs' Executive Director, Marylia Kelley, was invited by the U.S. Environmental Protection Agency in October 2010 to participate in a national "Federal Facilities Cleanup Dialogue" aimed at improving the openness and quality of cleanup programs at contaminated facilities owned by the Departments of Energy and Defense. A follow up meeting with Region 9 EPA management took place early this year.
- Tri-Valley CAREs submitted comments on the U.S. EPA's Integrated Clean Up Initiative.
- Tri-Valley CAREs meets with the DOE, Livermore Lab and state and federal regulatory agencies regularly (approximately quarterly) to discuss the Superfund cleanup of the LLNL Main Site and Site 300 and to offer community perspectives and recommendations for improving the cleanup.
- Tri-Valley CAREs has also been meeting regularly with DOE HQ over its allocation of stimulus funds. The DOE Office of Environmental Management had \$6 billion to distribute, and we have been advocating that the Superfund cleanup at LLNL receive some of the stimulus money. One result of our efforts has been a letter from four members of Congress to DOE Secretary Chu supporting the allocation of stimulus funds for accelerating the LLNL cleanup. However, to date, we have failed to obtain any of the stimulus funds for LLNL cleanup.

#### **4. Conduct a National Ignition Facility "truth telling" campaign / stop use of plutonium in NIF**

- Tri-Valley CAREs attended and testified at a National Academy of Sciences meeting about inertial fusion energy (e.g. NIF). TVC's executive director then toured NIF with the NAS committee.
- Tri-Valley CAREs mobilized dozens of people to two public meetings in Livermore in spring 2011 on the DOE's Draft Supplement to the 2005 Site-Wide Environmental Impact Statement for Continued Operations at Livermore Lab. We submitted detailed comments and were instrumental in assisting scores of additional comments. A central focus of our comments was to call into question changes at the NIF that would increase both its radioactive tritium emissions and a radioactive

“fallout” situation called “skyshine” caused by escaping neutrons. Our work also resulted in a story in the New York Times.

- Previously, Tri-Valley CAREs released an internal DOE NNSA Office of Field Financial Management review of NIF overhead costs that revealed that Livermore Lab management was shifting overhead from NIF to other Lab programs – to the tune of \$80 million annually and in violation of the law. In 2011, TVC offered testimony on this situation before a National Academy of Sciences panel charged with evaluating DOE NNSA lab management.
- The fact that the DOE NNSA has abandoned its promise of "ignition" at NIF at any specific date (it had been promised in 2003 then 2010) became a core part of the group's analysis of the NNSA fiscal year 2011 Stockpile Stewardship and Management Plan (AKA the "green book"). TVC was the only group in the country to include any analysis of what the plan said about NIF in its press and outreach materials. As FY 2011 opened without ignition at NIF, TVC was able to get this issue in several Bay Area newspapers and one national outlet.
- TVC pursued Freedom of Information Act requests to obtain needed information about LLNL and NNSA NIF activities.

## **5. Promote global nuclear nonproliferation and disarmament (tie)**

- Tri-Valley CAREs, along with colleague groups, coordinated up to 250 peace advocates for a rally at William Payne Park across from Livermore Lab on the 66<sup>th</sup> anniversary of the bombing of Hiroshima. Three days later, nearly 60 activists gathered at the gates of Livermore Lab on the 66<sup>th</sup> anniversary of the bombing of Nagasaki to demonstrate opposition to ongoing nuclear weapons development. 20 were arrested in a nonviolent direct action at the Lab gates.
- Also in August 2011, Tri-Valley CAREs co-sponsored the Bay Area premiere of the acclaimed documentary film, "The Forgotten Bomb." The event was well attended and the director of the film, Stuart Overbey, conducted a Q&A afterwards.
- Tri-Valley CAREs members published numerous Letters to the Editor in local and regional news sources to support the positive aspects of the New START treaty with Russia while making clear their opposition to increased funding for “modernization” of U.S. nuclear weapons. In December 2010, New START was ratified by the U.S. Senate and the Russian’s rapidly followed suit. On the ground inspections and verification measures under the treaty have begun in 2011.
- Throughout the past 12 months, Tri-Valley CAREs has been a clear voice for ratification of New START without imposition of onerous conditions, such as increasing the nuclear weapons budget in the coming years by \$180 billion (and more) for "modernization" of the U.S. nuclear weapons complex and arsenal.
- While we have been able to influence nuclear weapons policy and the budget in important, specific instances, overall we are losing ground under Obama (compared to under GW Bush!) on nuclear weapons budget issues. There is a growing gap between Administration rhetoric and reality, which we are addressing.

- Following up on last year's NPT Review conference (in which TVC participated), we have sent additional materials to diplomats with whom we spoke and also continued some, albeit limited, activities with Abolition 2000 and other international activists and networks. This year, we participated in a day-long meeting in DC of groups working on abolition.

- Also on the international front, Tri-Valley CAREs has hosted several delegations of activists in Livermore. Additionally, in April, to commemorate the 25<sup>th</sup> anniversary of the Chernobyl nuclear disaster we co-sponsored a panel of three activists from Russia who presented new perspectives, first hand accounts and insights for Japan that they gleaned from witnessing Chernobyl. One of the panelists was a "liquidator" sent to the Chernobyl site following the explosion to take environmental samples and participate in the cleanup efforts.

**5. Promote a Green Lab and removal of LLNL from the NNSA weapons complex (tie)**

- In July 2011, the San Francisco Chronicle published a lead op-ed by TVC executive director, Marylia Kelley, detailing the actual Livermore Lab budget and how it contradicts the Lab's public relations materials. A major focus of the op-ed was to create a true green lab in Livermore (rather than the mere PR impression of one).
- In June, Tri-Valley CAREs participated in a 4-day technical training on energy issues sponsored by the Institute for Energy and Environment Research in Takoma Park, MD. The training provided a deepening basis for TVC's green lab work.
- Tri-Valley CAREs began its own investigation of the Livermore Lab/Sandia Lab "Livermore Valley Open Campus" (LVOC) plan, where the Lab's scientists would work alongside partners in academia and private industry to "accelerate research and commercialization of technologies". TVC met with NNSA and key LLNL and Sandia staff regarding the LVOC proposal.

**7. Improve the compensation program for sick workers / obtain justice for workers**

- In November 2010, Tri-Valley CAREs learned that LLNL was fined by the DOE Office of Health Safety and Security due to repeated beryllium exposures to Lab employees. Beryllium is a toxic, potentially deadly metal used in nuclear weapons. Tri-Valley CAREs broke the story to the media and it was covered by major news sources.
- Tri-Valley CAREs submitted detailed comments in response to a Federal Register notice from the DOE requesting information and comments on issues related to its current chronic beryllium disease prevention program. Tri-Valley CAREs' comments responded to specific questions posed by the DOE in the Federal Register.
- Following a meeting with the DOE's Office of the Inspector General (IG) during DC Days, during which the IG was asked to investigate the beryllium controls at LLNL, the IG conducted and published a major federal investigation. The audit, titled, "Implementation of Beryllium Controls at Lawrence Livermore National Laboratory" (DOE/IG-0851) was released June 22, 2011 and heavily criticized Lab management and the Livermore Site Office for not following through in resolving

previously discovered deficiencies and not adequately protecting workers from beryllium hazards. Again, TVC's efforts were solely responsible for the media finding out about the report. Additionally, Tri-Valley CAREs met with workers who could potentially be exposed to beryllium at LLNL to discuss follow up steps.

- Tri-Valley CAREs' Staff Attorney Scott Yundt was invited to the first National Conference of Sick Worker Advocates in Washington DC. He gave a political advocacy training to prepare participants to meet with their representatives and met with a dozen congressional offices to advocate for improvements to the Energy Employee Occupational Illness Compensation Program Act (EEOICPA).
- Tri-Valley CAREs continuously updated Sick Worker Support Group Members on important and pertinent information regarding the federal EEOICPA that could affect their eligibility for monetary and health care benefits. TVC's staff attorney facilitated regular meetings of the Sick Worker Support Group, in part so that we could inform Lab workers of any recent developments that would help them with their claims, and provide them with help with filling out their application for benefits forms.

## **Other**

- In the wake of the still unfolding Fukushima tragedy, Tri-Valley CAREs and independent scientists and other organizations that own radiation detection equipment along the coast of CA, OR, WA, AK and Canada began taking regular radiation readings as the crisis developed and deepened at the Fukushima Nuclear Power Plant in Japan. We reported our figures on our website and submitted them to the collaborative website as well. We also commented on the crisis for print, TV and radio outlets.
- Tri-Valley CAREs was invited to table at the Musicians United for Safe Energy (MUSE) concert at Shoreline Amphitheater in Mountain View, CA. Over 11,000 people attended and huge amounts of people came by our table. Additionally, we networked with anti-nuke groups from around the country. Notably, the day after the concert, the California based groups and allies conducted an all day meeting to discuss strategies for shutting down nuclear power plants in California. A new, informal working alliance of California based groups was created at this meeting.
- To support our environmental work, Tri-Valley CAREs submitted comments in response to a Federal Registrar notice from the DOE announcing the agency's intention to change its regulations that implement the National Environmental Policy Act. Tri-Valley CAREs' comments expressed concern with the proposed expansion of circumstances in which the DOE will use categorical exclusions to NEPA, thereby resulting in lesser environmental review.
- Tri-Valley CAREs has continued its community outreach over the past year. For example, we have participated in Las Positas College "club days" and other campus events, which have resulted in our making some new connections and gaining new members and friends.
- Tri-Valley CAREs welcomed several youth interns in the past 12 months; in particular, two legal interns this summer, thus continuing our focus on youth representation.

- TVC has spoken in several college classes over the past year and in high school classes as well.
- The group has continued its newsletter and other outreach tools, and has substantially updated and added content to its website over the past year. This has resulted in increased "hits" (more than half a million recently). TVC also launched and regularly updates a Facebook page and a "causes" page, among other outreach tools.
- In its community right to know work, Tri-Valley CAREs reached a favorable settlement in 2010 on its litigation against the DOE for multiple violations of the Freedom of Information Act (FOIA), which we initially filed in 2008.
- Moreover, due to numerous ongoing failures on the part of DOE to comply with the law, TVC filed a new major FOIA suit in December 2010. We are in negotiations at present and have a hearing date this fall.
- On the financial front, amid an ongoing recession, TVC has kept its head above water, and has received continuing support from foundations and individual donors, including a new \$15k "challenge" grant. We are in the process of meeting the challenge by raising \$15k from individual donors before the Sept. 15 deadline. We are reporting our progress with regular updates on our website.

### **Conclusion:**

At Livermore Lab and other DOE sites, the continued development, testing and production of U.S. nuclear weapons is both proliferation-provocative and hazardous to human health and the environment in surrounding communities. 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" to the DOE in Livermore. Our meetings and 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 Livermore community, including many 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 understand. To this end, Tri-Valley CAREs has continued to use community right to know laws to involve the public and curtail nuclear weapons.

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