

LOOKING BACK, PROVIDING THE FRAMEWORK FOR MOVING FORWARD

A SUMMARY ANALYSIS OF THE PAST 12 MONTHS

- Goals from our July 28, 2007 Strategic Planning Retreat
 - Program priorities on which we have worked over the year
 - Victories enjoyed and objectives yet to be achieved

Introduction

Overall, our activities focused on countering the U.S. government's aggressive nuclear and biological weapons policies – here at the Livermore Lab and throughout the Department of Energy (DOE) nuclear weapons complex.

In 2007/2008, Tri-Valley CAREs has served as an effective “watchdog,” monitoring the DOE and, in particular, Livermore Lab activities. Our ability to influence policy is often visible. These pages contain numerous examples.

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 we obtained with decision-makers and the public. To succeed, we also produced detailed analyses, comments and reports on nuclear issues to influence policy.

In addition, you will notice that good old-fashioned community organizing and public involvement activities led to many of our victories listed below. Plus, in select situations, we filed landmark federal litigation.

We met with Congress. We held press conferences. We organized rallies at the gates of Livermore Lab. We made common cause with like-minded groups and individuals to amplify our message. In short, we rocked. To put it more formally, we have achieved remarkable local and national progress on the issues we chose at our strategic planning retreat in July 2007.

Measuring our progress over the past year

We have made progress on all of our issues over the past year, and sometimes spectacularly! In a few areas, we chose objectives that are yet to be achieved. And, we have suffered a setback or two. Below, you will find many of the year's amazing

achievements and victories along with any failures or unfinished business we have left over.

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? From priorities chosen in July 2007, here is the accounting –

Complex 2030/ Bombplex:

- First came the “scoping” period for the “Complex 2030” Programmatic Environmental Impact Statement (PEIS), which we and other NGOs dubbed the “Bombplex.” We led hundreds of local members in opposing the plan at scoping hearings in Livermore and Tracy, and many hundreds more during the written comment period that followed in 2007. We provided much needed analysis, talking points, comment postcards and other materials for activists and the media, and we organized regional and national call-in and letter writing actions during the public scoping period. Tri-Valley CAREs and other local and national organizations worked together on this campaign and generated more than 33,000 public comments from around the country.
- In December 2007/early 2008, the DOE renamed the plan “Complex Transformation” and released a thousand-plus page draft PEIS. And, while the latest plan still falls far short of the consolidation and safety that we seek in the nuclear weapons complex, it notably downsizes plutonium pit manufacturing plans from 125 pits/year to 80 pits/year maximum. The draft PEIS was released for public comment in early 2008, with local public hearings scheduled for March. Tri-Valley CAREs published a “readers guide” to the draft PEIS (titled, “How to Stop a Bombplex”), along with a sheaf of fact sheets, media materials, public comment postcards and more. We mobilized hundreds to attend the March 2008 draft PEIS hearings in Livermore and Tracy. And, we spread our outreach beyond our local communities to work with other organizations -- altogether we generated more than 115,000 public comments nationwide. This is according to DOE’s July 2008 estimate – the agency is still counting up comments and so the final tally could rise even higher. (*Tri-Valley CAREs’ technical comment letter on the draft PEIS is on the web at www.trivalleycares.org.*)
- Most recently, in July 2008, Tri-Valley CAREs’ executive director, Marylia Kelley, was invited to testify before the House Armed Services Strategic Forces Subcommittee at a hearing on the modernization of the nuclear weapons complex.

Biodefense:

- Last year, we achieved a huge victory by completely defeating a proposal that would have allowed the Department of Homeland Security (DHS) to build and operate a massive 520,000 square foot bio-complex at Livermore Lab's Site 300, called the National Bio and Agro Defense Facility. It was slated to house BSL-3 and BSL-4 agents, which would have collocated deadly pathogens with nuclear weapons research. We generated 8,000 letters, phone calls and emails opposing the facility, and helped area residents write letters to the editor, speak in front of City Councils, etc. In July 2007, DHS formally dropped Livermore Lab's Site 300 from its list of candidate locations.
- In December 2007, we went to Geneva to speak to the States Parties to the Biological Weapons Convention, alerting diplomats to the DOE efforts to collocate biowarfare research and nuclear weapons by opening a BSL-3 at the Livermore Lab main site. While in Geneva, our staff attorney, Rob Schwartz, presented a paper on effective implementing legislation for the BWC at the Pugwash conference, which was attended by diplomats, scientists, and academics from around the world. Soon after this 2008 strategic planning retreat, TVC's statement will be distributed to the experts meeting this August in Geneva on the BWC.
- Tri-Valley CAREs was responsible for publicizing that Livermore Lab had caused a major anthrax release (and then covered it up) in 2005. This information came to light in 2007.
- Also in 2007, Tri-Valley CAREs submitted detailed technical comments on the DOE's draft revised environmental assessment for operation of an advanced bio-warfare agent research facility at the Livermore Lab main site, the aforementioned BSL-3. Further, we encouraged 80 colleague organizations and activists to likewise submit comments. From this technical foundation, and with our prior litigation's win in the 9th Circuit Court of Appeals (compelling DOE to examine terrorism risks), we filed fresh litigation in 2008 to prevent Livermore Lab from operating the facility without a more thorough terrorism analysis and an Environmental Impact Statement. We expect a decision later this year.

Mobilize next generation:

- To help prepare the next generation of activists for the continuing struggle against nuclear weapons, Tri-Valley CAREs continued in 2007/2008 to contribute staff time and expertise to the statewide Coalition to Demilitarize the University of California (UC). This work remains particularly relevant since UC, along with Bechtel Corporation, won the new management contract for the Livermore Lab. In May 2007, Tri-Valley CAREs helped two dozen UC students on four campuses who undertook a 10-day hunger strike in protest of UC's involvement in nuclear weapons with their media, messaging and other outreach needs. We also spoke

in support of the hunger strike and its objectives at the meeting of the UC Regents.

- In addition, Tri-Valley CAREs former Outreach Director, Jedidjah de Vries, and current Program and Administrative Associate, Adrian Drummond-Cole have participated in statewide “convergences” of the Coalition to Demilitarize the University of California. Our new Outreach Director, Janine Carmona, has been an active participant in the coalition. Part of our organizational contribution has been to share information on the weapons programs at Livermore Lab. Also, we have made a point of addressing the UC Regents (note: convergences are timed to Regents meetings).
- Tri-Valley CAREs staff have contributed behind the scenes to organize several youth-oriented “Think Outside the Bomb” conferences in Washington, DC and Santa Barbara, CA.

Stop bomb blasts/Site 300:

- Here we have a complete – and very, very recent -- victory. Our actions contributed decisively to stop the issuance of a new permit that would have allowed Livermore Lab to conduct open-air bomb testing blasts with up to 5,000 pounds of uranium-238 and 200 curies of tritium (radioactive hydrogen). In late 2006, Livermore Lab first applied for the permit. Thanks to strong public opposition, initiated by Bob Sarvey and mobilized through Tri-Valley CAREs’ effective advocacy, the San Joaquin Valley Air Pollution Control District’s Board withdrew the permit. The Lab again applied for the permit. In 2007, we were successful in ensuring that Livermore Lab was forced to list all of the hazardous constituents that would be in the blasts on its application form (which did not happen the first time). Further, we followed up with research and met with the Air District officials on the health impacts of the proposed bomb tests. Then, we circulated a sign on letter that garnered about 500 signatures. As of this past week, under pressure, Livermore Lab has formally WITHDRAWN its latest permit application.

Superfund/Main Site & 300:

- One of our most important environmental victories in 2007 involved stopping a DOE plan that would have sent up to 80 million gallons of toxic groundwater contaminated by Livermore Lab into the San Francisco Bay, untreated and still polluted. Our persistent advocacy resulted in the federal EPA ultimately supporting our position, which in turn forced the DOE to withdraw the faulty plan in November 2007.
- Another huge victory occurred when Tri-Valley CAREs advocacy helped press DOE to request that some of its funds for nuclear weapons programs be “reprogrammed” by Congress to fund cleanup activities at the Livermore Lab

main site. Then, our follow up assured a swift passage of the “reprogramming” request through all of the relevant congressional committees. As of today, the process is complete and DOE Headquarters says the check is in the mail and should arrive to help with the cleanup soon.

- Tri-Valley CAREs efforts to improve the cleanup plans for the Superfund cleanup at the Livermore Lab Site 300 scored a win recently as DOE is abandoning its plan to build a parking lot on top of a huge mound of toxic debris left over from the firing table activities at Building 850. Our efforts to obtain a better cleanup of the “Pit 7” Complex at Site 300 have proven more difficult. We obtained a partial victory when Livermore Lab agreed to re-write the Proposed Plan to include halting the migration of the leading edge of the groundwater plume as a “remedial action objective.” However, no firm commitment is written into the draft final Record of Decision. (*Tri-Valley CAREs’ technical comments on the draft final ROD and other key cleanup documents can be found at www.trivalleycares.org.*)

Green Lab:

- Much of our work since our last strategic planning retreat to advocate that Livermore Lab become a “green lab,” focused on civilian science research on global warming, non-polluting, renewable energy technologies, cleanup, etc. has been done in the context of the above-mentioned “Complex Transformation” process. Because DOE’s plan for Livermore Lab included new nuclear weapons research into the future, the process provided a platform for us to advocate an “alternative” vision. And, because the National Environmental Policy Act mandates that federal agencies analyze reasonable alternatives to their “preferred” option in a Programmatic Environmental Impact Statement, our focus on a “green lab” as a reasonable future for Livermore was doubly important. As noted above, we mobilized hundreds to attend the March 2008 draft PEIS hearings in Livermore and Tracy. One of the successes of our local organizing was that many members of the public commented on the benefits of making Livermore Lab a “green lab.” While Tri-Valley CAREs did important national work on “Complex Transformation” as well, the local work resulted in comments about the future of Livermore Lab that would not have found a voice anywhere in the country (or in the debate) if not for us.
- We can also count the above-mentioned “reprogramming” request for money to shift over from DOE nuclear weapons programs to the Livermore Lab main site cleanup program as a small, but very important, step toward a “green” future for the Lab. (*Now, to make this happen on a macro scale...*)

New nukes/RRW:

- Tri-Valley CAREs played a key role early on in opposing the RRW program. We were the first group to produce a comprehensive analysis of the program, titled

“The Reliable Replacement Warhead Program: A Slippery Slope to New Nuclear Weapons.” Over the past 18 months, we’ve met on this issue on numerous occasions with local politicians, as well as Representatives and Senators in Washington, DC, to whom we provided our written materials.

- More specifically, in spring and summer 2007, Tri-Valley CAREs met with more than 100 Members of Congress and the Bush Administration and gave officials and their staff nearly 300 copies of our report on the Reliable Replacement Warhead program, along with fact sheets and other materials.
- During DC Days in spring 2007 and again in spring 2008, Tri-Valley CAREs provided analysis and “talking points” on cutting the RRW program for use by fellow activists in the Alliance for Nuclear Accountability during the annual “DC Days” in meetings with lawmakers and administration officials.
- In 2007, Tri-Valley CAREs went global with its opposition to the RRW program when participating, as an accredited NGO (non-governmental organization), in the first Preparatory Committee meeting leading up to the 2010 Non-Proliferation Treaty Review Conference. Tri-Valley CAREs helped craft a US/international NGO consensus statement opposing the RRW program that was delivered at a special session. Tri-Valley CAREs’ representative to the NPT, Dr. Urs Ciplat, also hand-delivered our RRW Report to over 100 diplomats there.
- Thanks in large part to the effective campaign carried out by Tri-Valley CAREs and colleague organizations across the country, in December 2007, Congress zeroed out fiscal year 2008 funding for the further development of the Reliable Replacement Warhead. In 2008, our continuing focus on the RRW budget is resulting in rejection of its funding for a second year in a row. This is hugely significant, even though we expect DOE to come back next year with another request for RRW funding.

Plutonium/Highly Enriched Uranium at LLNL:

- No additional hazardous plutonium was brought to the Livermore Lab last year. This represents an outcome of Tri-Valley CAREs’ local activism. As previously reported to our membership, the DOE published a formal Record of Decision that offered the “go-ahead” to double the plutonium inventory at Livermore Lab to 3,080 pounds. Tri-Valley CAREs launched a public education and mobilization campaign to stop this dangerous plan. We collected more than 13,000 handwritten petitions during 2006/2007 opposing plutonium at Livermore Lab – and in so doing we have mobilized sufficient sentiment against the DOE plan to stymie it.

- Throughout the year, Tri-Valley CAREs stepped up its efforts and mobilized public and political opposition to plutonium storage and programs at Livermore Lab. In December 2007, our work bore fruit when DOE committed to completing the withdrawal of plutonium from Livermore by 2012, two years sooner than previously planned.
- Recently, in spring 2008, Tri-Valley CAREs learned that Livermore Lab protective forces failed a security test, including a force-on-force drill in which mock terrorists were able to achieve 2 main objectives: (1) to access the Lab's fissile material (plutonium and highly enriched uranium) and hold the ground long enough to construct and detonate an Improvised Nuclear Device; and, (2) to steal enough for detonation at another place and time of the terrorists choosing. Tri-Valley CAREs, in concert with the Project on Government Oversight, has focused media and congressional attention on the grave security problems at Livermore Lab. In May 2008, Time Magazine ran a seminal article exposing the security drill failure. In July 2008, Marylia Kelley included this issue prominently in testimony before the House Armed Services Strategic Forces Subcommittee.

UC + corporate accountability:

- Much of Tri-Valley CAREs' work on holding the Regents of the University of California and the new corporate management (especially Bechtel) accountable for their management of nuclear weapons at Livermore Lab had overlap with our activities to support the Coalition to Demilitarize the University of California (see above). One aspect of this "crossover" involved Tri-Valley CAREs' presenting testimony at the Regents meetings in San Francisco and occasionally in Southern California.
- In 2007, Tri-Valley CAREs and allied groups organized a major demonstration at Bechtel Headquarters in San Francisco. The new management contract at Livermore Lab and Bechtel's increasing profile in DOE nuclear weapons activities were a major focus of the action.
- In 2007, Tri-Valley CAREs supported Livermore Lab employee efforts to obtain more transparency with regard to the Bechtel/UC (i.e. LLNS) contract to manage Livermore Lab. This included Tri-Valley CAREs writing letters to Congress and other similar actions in support of public as well as employee right to know. There was a limited success in that (for example) Lab employees were given additional time to comment on the contract provisions, but no major breakthrough or victory.

Sick workers/EEOICPA:

- Our activities on behalf of Livermore and other DOE site workers made ill by on the job exposures celebrated a major win in late 2007 when the federal radiation advisory committee voted unanimously in favor of according "Special Exposure

Cohort” status to thousands of Livermore Lab workers. While it does not cover all Livermore Lab workers (and does not cover neighboring Sandia workers), the SEC will ease the burden of proof for many ill workers and allow them and their families to obtain the compensation they deserve. Working closely with our Representative, Ellen Tauscher, on this issue, we were able to ensure a quick passage into law for the Livermore Lab SEC. (See www.trivalleycares.org for our letter to the Dept. of Health and Human Services and other materials.)

- Tri-Valley CAREs continues to offer staff time and expertise, in part to coordinate and facilitate regular meetings of the sick worker support group in Livermore (next meeting is in September). Moreover, we are tracking the major beryllium contamination problems at Livermore Lab and may have some additional follow up activities in the coming months.

Tritium Facility/National Ignition Facility (NIF):

- Tri-Valley CAREs conducted meetings with the Defense Nuclear Facilities Safety Board and others regarding Livermore Lab plans to nearly double the size of the Tritium Facility and to add an “actinide” segment – fancy language meaning the place where Lab workers would load plutonium targets bound for NIF. Further, Tri-Valley CAREs’ staff and some members highlighted this issue at the Complex Transformation public hearings in Livermore. While we have made progress in doing research and some advocacy on the harms and dangers of expanding the tritium facility, there are not any victories since our last strategic planning meeting to report in this area.
- Tri-Valley CAREs has filed several Freedom of Information Act requests to obtain key documents on both the Tritium Facility Modernization Project and plutonium in the NIF, the DOE has yet to respond. Legal action may be required in the coming months.
- Note: While there were not many strategic opportunities available to make progress on NIF in the current year, the facility is supposed to finish construction in 2009. Ignition experiments are mandated to begin in 2010. As ignition is unlikely at that time (or any time), there may be major new strategic and tactical opportunities in the 2009/2010 time frame.

Nuke power issues:

- Since the last strategic planning retreat, Tri-Valley CAREs has worked on nuclear power issues mainly through being a good ally to other groups and coalitions that have special expertise in this area. We have used some staff time in writing comments during public comment periods on environmental documents relevant to nuclear power issues. More often, we have signed on to other reputable groups’ comments and letters. Further, we have joined a national

sustainable energy coalition, and have supported its efforts to remove federal subsidies for nuclear power while promoting the benefits of energy alternatives.

Other victories and notable accomplishments:

- Effective advocacy requires accurate information. To counter inappropriate secrecy, Tri-Valley CAREs submits requests under the Freedom of Information Act and other open government laws. In late 2006, Tri-Valley CAREs had to sue the DOE over its reluctance to release information under FOIA on controversial programs that have relevance for Complex 2030, plutonium at Livermore Lab, new nukes and more. The resulting settlement in June 2007 led to the release of nearly all requested documents – yet another accomplishment for our struggle to ensure the public’s right to know.
- In August 2007, Tri-Valley CAREs mobilized several hundred peace and disarmament advocates at the gate of Livermore Lab (August 6, Hiroshima Day). The protesters demonstrated to commemorate the 62nd anniversary of the atomic bombings of Hiroshima and Nagasaki, Japan, and to oppose DOE’s plan to bring more plutonium to Livermore as well as to stop all nuclear weapons. This August 9, 2008, Tri-Valley CAREs and allied groups organized a Hiroshima/Nagasaki commemoration at Livermore Lab on the 63rd anniversary of the Nagasaki bomb. This event included a giant “nuclear maze” and a keynote address by a survivor of the Nagasaki bomb.
- We can also consider our brilliant staff as an organizational accomplishment. Rob Schwartz became Tri-Valley CAREs’ staff attorney right before our 2007 retreat, and, since then, we have been further gifted by hiring Janine Carmona as Outreach Director and Adrian Drummond-Cole as Program and Administrative Associate.

Other areas where we fell short of objectives:

- To fulfill an organizational development goal put forward by the Board in 2007, Tri-Valley CAREs advertised for a full-time Development Director (fundraiser). The applicant pool was not sufficient to proceed, and so this goal remains unfulfilled. The Board will discuss possible next steps at its meeting on September 8th.

Taking it forward successfully into the coming year

In considering Tri-Valley CAREs’ programs and priorities over the coming 12 months, we should make special note of external events that call us to respond. The agenda for this strategic planning retreat is configured to do this before we vote.

Consider, for example, the upcoming Presidential and congressional elections. What strategic opportunities do they hold for us and our issues? Consider upcoming public hearings, congressional actions, regulatory agency actions, and other government

decisions on our issues. What decisions will be made, by whom, and in what time frame? Consider which of our issues may be in the “public eye” in the coming months. Are there any “piggyback” opportunities? Consider the “tools” available in the Tri-Valley CAREs toolbox. On what program issues could they most effectively be utilized. Consider Tri-Valley CAREs’ strengths and uniqueness. On which issues and program choices could they best be employed?

In sum, we must consider the full range of outer circumstances in which we will be doing our work - while taking into account the inner capabilities that Tri-Valley CAREs possesses. Connect these 2 things to the big picture of Tri-Valley CAREs’ mission. What priorities will best serve our overarching purpose as an organization? Then, out of this mixture, we shall choose wisely our priorities for the coming year.

Conclusion

Nuclear weapons science, production and testing are an inherently dirty business - at Livermore Lab and throughout the national nuclear weapons complex. People living around DOE facilities have fundamental legal and democratic rights to participate in decision-making about nuclear weapons. Moreover, the public has a right and a responsibility to participate in policy decisions. However, it appears that the last thing DOE wants is an informed public exercising these rights. So, 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.

Tri-Valley CAREs’ combination of research, public education, organizing, media, litigation and political advocacy is designed to help affected communities, here in Livermore and nationally, become better informed and exercise their rights in our democratic society. We pierce through DOE’s veil of secrecy and bring nuclear weapons policy to a level that the public can understand - and thereby influence.

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