

Citizen' s Toolkit for Confronting the U.S. Nuclear Weapons Complex in the 21st Century

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Overview

- Background
 - The Nuclear Weapons Complex in 2013
 - The nuclear weapons budget in the next decade
 - Environmental Impacts
- What can we do?
 - Law
 - Politics
 - Grassroots Activism



World Nuclear Weapons Stockpiles

12,000

10,000

8,000

Country

Total Nuclear Weapons

Russia 8,500

United States 7,700

France 300

China 240

United Kingdom 225

Pakistan 90 - 110

India 80 - 100

Israel 60 - 80

North Korea < 10

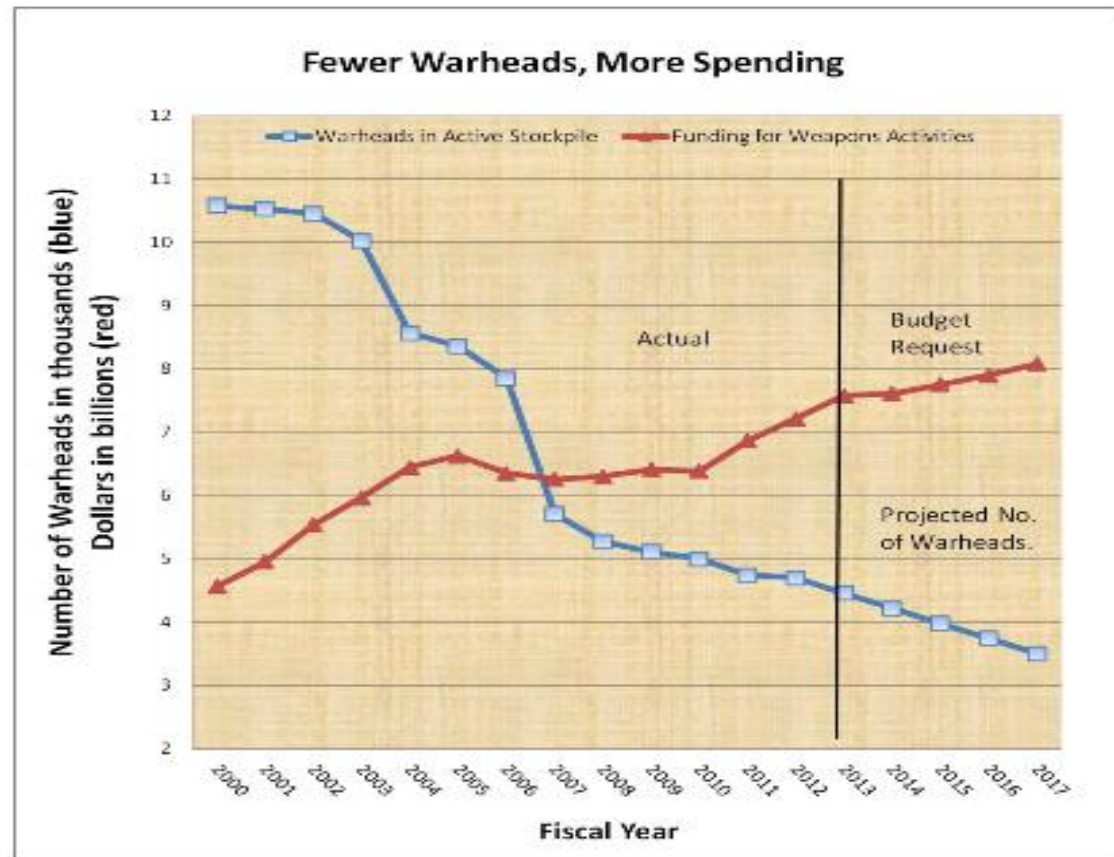
Total Nuclear Weapons **≈ 17,300**

US Nuclear Weapons by the numbers 2012



- Current strategically deployed nuclear weapons ~2150 (will decrease to 1550 by 2018 pursuant to the new START treaty).
- Another ~2650 weapons in reserve
- Additional ~3,000 weapons awaiting dismantlement at Pantex
- Total of ~ 7700-7950

ANALYSIS OF THE FISCAL YEAR 2013 BUDGET REQUEST FOR NUCLEAR WEAPONS ACTIVITIES



A Report for Tri-Valley CAREs

By Robert L. Civiak
March 2012

US Nuclear Weapons in \$

- Current Projections of what the US will spend on Nuclear Weapons between FY2013 and FY 2022
 - ~\$372 Billion on Nuclear Forces
 - R&D, Delivery Vehicles, maintenance and testing
 - ~\$100 Billion on Environmental & Health Costs
 - Legacy of waste, human health impacts and enviro clean up that government must clean up
 - ~\$97 Billion on Missile Defense
 - ~\$ 68 Billion on Nuclear Threat reduction
 - Securing materials and technologies from vulnerable locations & disposal of material from dismantled weapons
 - ~\$8 Billion on Nuclear Incident Management
- Total Nuclear Weapons and Related Spending = **\$640 Billion**

DOE's Legacy of Boondoggles

- NNSA has been on the GAO's annual High Risk Report for managing its projects for as long as GAO has been creating the report
- Example: LLNL's National Ignition Facility (NIF)
 - Originally sold to Congress at \$600 Million in 2000
 - Cost raised to \$1 Billion by 2002
 - Raised to \$5 Billion by 2010
 - Have spent \$8 Billion – Facility is a failure



Major Upcoming Projects

- Currently estimate that NNSA will spend \$180 Billion by 2022 on
 - A new Plutonium Facility at Los Alamos
 - Activists have stopped the CMRR-NF, but a revised plutonium strategy will be released soon
 - Uranium Processing Facility at Y-12
 - New Kansas City Plant
 - MOX
 - Life Extension Programs



What is the “nuclear weapons complex”?

- The Department of Energy (formerly the Atomic Energy Agency) and the sub-autonomous National Nuclear Security Administration (NNSA) is in charge of managing and maintaining our nuclear weapons, facilities, and cleanup sites.
 - Nuclear Weapons Laboratories
 - Nuclear Weapon Production Facilities
 - Nuclear Weapons Testing Grounds
 - Legacy (closed) sites – mostly still being actively cleaned up
- The US Department of Defense develops the triad of delivery vehicles (not considered part of the complex)
 - Submarines, land-based missiles (ICBMs), Strategic Bombers

Union of Concerned Scientists Graphic

- Google earth Graphic
- [http://www.ucsusa.org/
nuclear_weapons_and_global_security/
nuclear_weapons/technical_issues/us-
nuclear-weapons-facilities.html](http://www.ucsusa.org/nuclear_weapons_and_global_security/nuclear_weapons/technical_issues/us-nuclear-weapons-facilities.html)

Main Environmental Management Sites

- Hanford, Wa
- Rocky Flats, Co
- Paducah, Ky
- Fernald, Oh
- Waste Isolation Pilot Plant - NM



The Legacy of Contamination

- Nuclear weapons research, design, and development activities have resulted in extensive contamination at over 140 sites throughout the United States.
- **National Sacrifice Zones:** According to the National Research Council, “more than 100 of these sites cannot be cleaned up enough to permit unrestricted human access and will require long-term management, in some cases indefinitely.”

Environmental Impacts @ LLNL

- Air quality
 - Non-radiological air emissions, including nitrogen oxides, sulfur oxides, particulate matter, and beryllium
 - Radiological air emissions, including tritium, uranium, and other transuranic radionuclides
- Water resources
 - Discharges to sewer system and from stormwater runoff, including tritium, dioxins and furans, and uranium
 - Extensive groundwater contamination, including volatile organic compounds, tritium, perchlorate, depleted uranium, high explosives, and nitrate

Health Impacts- LLNL

- According to the Department of Energy, current activities (radiological and non-radiological) associated with routine operations at Lawrence Livermore National Laboratory have the potential to affect worker and public health.
- LLNLs public documents show that 1 million curies of radiation has been released from the facility into the air. That is equal to the amount of radiation deposited on the people of Hiroshima from the atomic bomb in 1945.

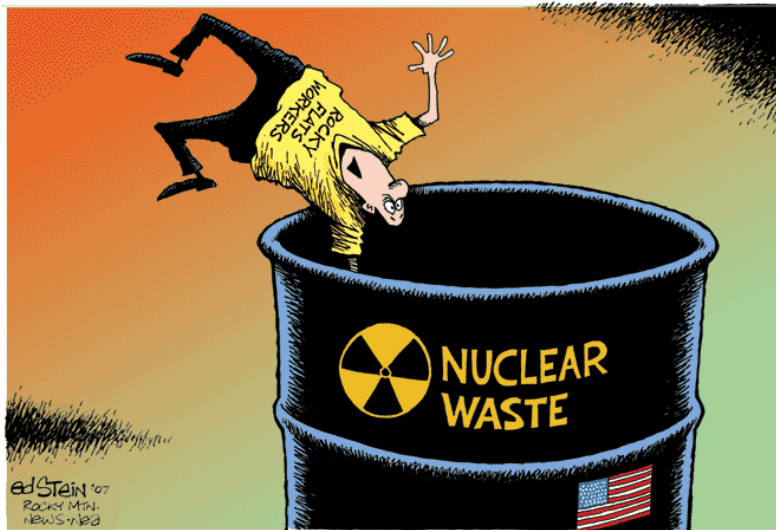
Radiological Emissions

- Releases of radionuclides to the environment from Livermore Lab operations expose individuals in the vicinity of the lab to radiation.
 - Tritium is the primary source at the main site and depleted uranium at Site 300, Livermore Lab's experimental test site near Tracy.
 - Population centers affected by Livermore Lab emissions include the nearby communities of Livermore and Tracy; the more distant metropolitan areas of Oakland, San Francisco, and San Jose; and the San Joaquin Valley communities of Modesto and Stockton.
 - There is no safe radiation dose.

Non-radiological Emissions

- Health impacts to the public may occur during normal operation at the lab via inhalation of air containing hazardous chemicals released to the atmosphere by Livermore Lab operations.
 - Risks to public health from ingestion of contaminated drinking water or direct exposure are also potential pathways.
 - Discharges to Livermore's sewer system

Worker Health Impacts



- Energy Employees Occupational Injury Compensation Program Act (EEOICPA): Over 95,000 employees have filed claims against the DOE for illnesses caused by exposure to toxic and radioactive substances (1,760 employees from LLNL)
- Livermore Lab employees and subcontractors bear a heavy burden.
 - Cancers
 - Chronic Beryllium Disease
 - Serious issue at the lab
 - Other illnesses

Citizens Toolkit



- Using the Law
- Navigating Political processes
- Grassroots activism

International Law and Nuclear Weapons



- Article VI of the Nuclear Non-Proliferation Treaty
- 1996 International Court of Justice Decision
- The Comprehensive Test Ban Treaty

Article VI of the Nuclear Non-Proliferation Treaty

- Each of the Parties (190) to the Treaty undertakes to pursue **negotiations in good faith** on effective measures relating to cessation of the nuclear arms race at an early date and to **nuclear disarmament**, and on a treaty on general and complete disarmament under strict and effective international control.
- Views differ, but the Non-Align movement interprets Article VI as a formal and specific obligation on the NPT-recognized nuclear-weapon states to disarm themselves of nuclear weapons, and argues that these states have failed to meet their obligation.

1996 International Court of Justice Decision

- In 1994 the UN General Assembly *Decides*, pursuant to Article 96, paragraph 1, of the Charter of the United Nations, to request the International Court of Justice urgently to render its advisory opinion on the following question: **'Is the threat or use of nuclear weapons in any circumstance permitted under international law?'**."
- The entitlement to resort to self-defense under Article 51 is subject to the conditions of necessity and **proportionality**. As the Court stated in the case concerning *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)* (*I.C.J. Reports 1986*, p. 94, para. 176): "there is a specific rule whereby self-defense would warrant only measures which are proportional to the armed attack and necessary to respond to it, a rule well established in customary international law".
- The proportionality principle may thus not in itself exclude the use of nuclear weapons in self-defense in all circumstances. But ... the Court notes that the very nature of all nuclear weapons and the profound risks associated therewith are further considerations to be borne in mind by States believing they can exercise a nuclear response in self-defense in accordance with the requirements of proportionality.

1996 International Court of Justice Decision Cont.

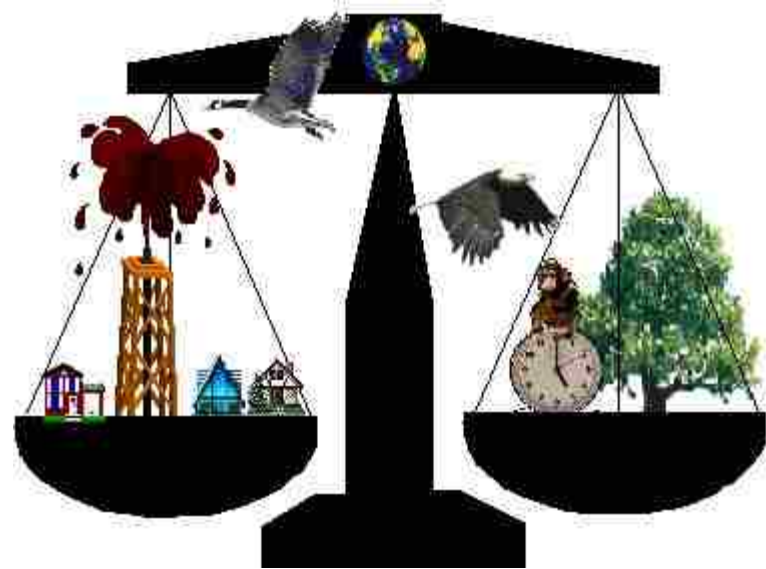
- ...the Court is led to observe that it cannot reach a definitive conclusion as to the legality or illegality of the use of nuclear weapons by a State in an extreme circumstance of self-defense, in which its very survival would be at stake.
- ...the Court appreciates the full importance of the recognition by **Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons of an obligation to negotiate in good faith a nuclear disarmament**. The legal import of that obligation goes beyond that of a mere obligation of conduct; the obligation involved here is an obligation to achieve a precise result - **nuclear disarmament in all its aspects** - by adopting a particular course of conduct, namely, the pursuit of negotiations on the matter in good faith. This twofold obligation to pursue and to conclude negotiations formally concerns the 182 States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, or, in other words, the vast majority of the international community. Indeed, any realistic search for general and complete disarmament, especially nuclear disarmament, necessitates **the co-operation of all States**.

The Comprehensive Test Ban Treaty

- It bans all nuclear explosions in all environments, for military or civilian purposes.
- It was adopted by the UN on 10 September 1996, but it has not entered into force as of December 2012.
- Ratification failed in the US in 1999 and it is hoped that a push for ratification will occur again during Obama's 2nd term.

Using Federal Law to Constrain Nuclear Weapons & Achieve Clean Up

- For future projects & plans - The National Environmental Policy Act (“NEPA”)
- For hazardous waste - Resource, Conservation and Reclamation Act (“RCRA”)
- For clean up- Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA, aka Superfund”)
- For transparency - The Freedom of Information Act (“FOIA”) and Whistleblower Protection Laws



National Environmental Policy Act (NEPA)



- Most of the DOE's Nuclear Weapons Activities are major federal actions requiring NEPA review
- Opportunity for written and oral public input to oppose, alter and change these activities
- Significant NEPA litigation against many DOE proposals has led to projects being scaled back, indefinite delay, and abandonment.

Resource, Conservation and Reclamation Act (“RCRA”)

- 40 CFR Part 124
 - Notify the public of the intent to issue or deny a permit
 - Provide the public 45 days to comment on the permit application
 - Consider **public comments** regarding permit violations, and
 - Notify the public of proposed major modifications to operating permit.

Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA, aka Superfund”)

42 USC § 9601 *et. seq.*

- Significant opportunities for public participation in decision making at most sites
- Public input is needed to advocate for best clean up practices, to advocate for reasonable clean up schedules and to ensure the agency seeks the needed funding to meet its clean up milestones

The Freedom of Information Act ("FOIA") 5 U.S.C. § 552

- FOIA allows the public access to non-classified agency information. DOE regulations implementing FOIA. (10 CFR, Part 1004)
- It took FOIA actions to release formerly confidential information about public health and environmental impacts from weapons production.
- Reasonably segregable nonexempt information will be released unless it is inextricably intertwined with exempt material. Agencies are encouraged to make discretionary releases of information in cases in which no foreseeable harm from the release of the information can be determined.
- DOE/NNSA one of the worst agency's for response times.
- Watchdog groups often have to resort to litigation to obtain documents, but FOIA's strong attorney fee provision makes this possible.

Using the Political System to Challenge Nuclear Weapons Policy

- Direct- Advocacy (Lobbying) to Congress
 - Important committees are:
 - Senate Energy and Water Appropriations Subcommittee (Feinstein, Udall, Tester, Murray)
 - Senate Environmental and Natural Resources Committee (Wyden, Cantwell...etc.)
- Working with State Agencies to enforce state law where appropriate and enforcement
- Working with Local Governments to oppose nuclear weapons activities and promote cleanup missions (ie. Join Mayors for Peace)

Grassroots Activism



- Join an existing organization!
 - There are dozens of organizations working on this issue across the country.
- Amplify!
 - grassroots lobbying
 - Write in during Public Comment Periods.
 - raising awareness of nuclear weapons issues, with the intention of reaching the legislature and making a difference in the decision-making process.
 - Phone calls, emails, letters...
 - Participating in non-violent direct action.
 - Encourage other organizations to get involved in these issues.

GRASSROOT GROUPS MONITORING NUCLEAR SITES

California

Lawrence Livermore National Laboratory

Tri-Valley CARES www.trivalleycares.org

Western States Legal Foundation www.wslfweb.org

Peace Action West www.peaceactionwest.org

Colorado

Rocky Flats National Wildlife Refuge (formerly Rocky Flats Site-nuclear bomb production facility)

Colorado Coalition for the Prevention of Nuclear War www.thecoloradocoalition.org

Rocky Mountain Peace and Justice Center www.rmpjc.org

Georgia

Savannah River Site

Carolina Peace Resource Center www.carolinapeace.org

Blue Ridge Environmental Defense League www.bredl.org

Atlanta WAND www.atlantawand.org

Nuclear Watch South www.nonukesyall.org

Idaho

Idaho National Environmental Laboratory

Snake River Alliance www.snakeriveralliance.org

Kentucky

Paducah Gaseous Diffusion Plant

Coalition of Health Concerns 270.462.3495

Missouri

Kansas City Plant

Peaceworks Kansas City www.peaceworkskc.org

Nuclear Watch New Mexico www.nukewatch.org

Nevada

Nevada Test Site

Yucca Mountain

Healing Ourselves and Mother Earth www.h-o-m-e.org

Shundahai Network www.shundahai.org

Peace Action West www.peaceactionwest.org

New Mexico

Los Alamos National Laboratory
Sandia National Laboratory
Waste Isolation Plant

Concerned Citizens for Nuclear Safety www.nuclearactive.org

Nuclear Watch New Mexico www.nukewatch.org

Southwest Research and Information Center www.sric.org

Ohio

Fernald Preserve (formerly uranium processing site)
Mound Advance Technology Center (formerly Mound Facility - nuclear weapons facility)
Portsmouth Gaseous Diffusion Plant

Fernald Environmental Management Project 513.738.1688

Miamisburg Environmental Safety & Health 937.748.4757

Portsmouth/Piketon Residents for Environmental Safety and Security

Tennessee

Oak Ridge Reservation

Oak Ridge Environmental Peace Alliance www.orep.org

Texas

Pantex Plant

Panhandle Area Neighbors and Landowners 806.335.1050

Peace Farm www.peacefarm.us

Washington

Hanford Reservation

Hanford Challenge www.hanfordchallenge.org

Heart of America Northwest www.hoanw.org